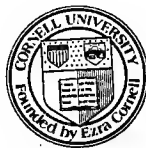


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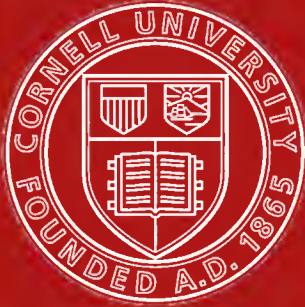
NEW YORK CITY
BUILDING ZONE RESOLUTIONS
AND
MAP SHOWING USE, HEIGHT AND AREA DISTRICTS
Borough of Manhattan

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New York City Building Zone Resolution

Restricting the Height and Use of Buildings
and Prescribing the Minimum Sizes
of Their Yards and Courts

With explanatory notes that will be helpful to
Owners, Builders and Architects

by

GEORGE B. FORD

Consultant to the Commission on Building Districts
and Restrictions

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*These notes are not official, expressing only Mr. Ford's
personal interpretation of the law. They in no way
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1917

The Plan to divide the City into districts for the purpose of regulating the height of buildings, the area of courts and open spaces and the location of trades and industries, constitutes a radical departure in the building of American Cities, although the principle of municipal control over such improvements has long been recognized in Europe. This plan resulted in the following resolutions, adopted by the Board of Estimate and Apportionment under authority granted by Chapter 470 of the Laws of 1914, as amended by Chapter 497 of the Laws of 1916.

The general favor with which the resolutions have been received arises not only from the intelligent care exercised in their framing, but also from the equitable methods by which they are to be enforced through the agency of the Board of Standards and Appeals. By the creation of restricted zones, business and manufacturing will be confined to those streets and districts where they can be carried on most suitably, thereby preserving the residential districts and stabilizing real estate values. While in the minds of some there may be a question as to the constitutionality of certain provisions, it is hoped by those interested in the improvement of civic conditions that the resolutions in their entirety will finally be upheld by the courts.

The **New York Title and Mortgage Company** believes that it is meeting a need of the real estate public in presenting the Building Zone Resolutions in convenient book form, accompanied by a Map of the Borough of Manhattan, consisting of a compilation of the three large maps issued by the City.

For further information about this law, or about the procedure toward securing special exemptions or amendments, apply to the Building Superintendent of any Borough, or to Robert H. Whitten, Secretary of the Committee on the City Plan of the Board of Estimate and Apportionment on the fifth floor of the Municipal Building.

CITY OF NEW YORK

BOARD OF ESTIMATE AND APPORTIONMENT

BUILDING ZONE RESOLUTION

(Adopted July 25, 1916)

A Resolution regulating and limiting the height and bulk of buildings hereafter erected, and regulating and determining the area of yards, courts and other open spaces, and regulating and restricting the location of trades and industries and the location of buildings designed for specified uses and establishing the boundaries of districts for said purposes.

Be it resolved by the Board of Estimate and Apportionment of the City of New York:

ARTICLE I—DEFINITIONS

§ 1. **Definitions.** Certain words in this resolution are defined for the purposes thereof as follows:

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure."

(b) The "street line" is the dividing line between the street and the lot.

Note.—The street line, as defined here, is virtually the same as "building line" as used in the Building Code, except that here the street line is without exception the line dividing the public street or open space from private property. Even where there is a setback by law or by covenant in the deed, the street line remains as above defined.

(c) The "width of the street" is the mean of the distances between the sides thereof within a block. Where a street borders a public place, public park or navigable body of waters the width of the street is the mean width of such street plus the width, measured at right angles to the street line, of such public place, public park or body of water.

Note.—If two sides of a street are not parallel the width of the street should be considered to be the mean width of the street within the block measured at right angles to a line bisecting the angle between the two sides of the street. The last clause was put in so as to allow advantage to be obtained from the open spaces of parks, etc., but if the street between a building and the park or waterfront is more than 100 feet in width, no exceptional advantage would accrue from the presence of the open space on the other side of the street except in setting back of towers from the street line. Throughout this resolution where the word "mean" is used it is intended that it should not be taken in the sense of half the sum of the extremes but rather in the sense of the arithmetical mean or weighted average which may be defined as the quotient of the sum of the variables divided by their number.

(d) The "curb level," for the purpose of measuring the height of any portion of a building, is the mean level of the curb in front of such portion of the building. But where a building is on a corner lot the curb level is the mean level of the curb on the street of greatest width. If such greatest width occurs on more than one street the curb level is the mean level of the curb on that street of greatest width which has the highest curb elevation. The "curb level" for the purpose of regulating and determining the area of yards, courts and open spaces is the mean level of the curb at that front of the building where there is the highest curb elevation. Where no curb elevation has been established or the building does not adjoin the street the average ground level of the lot shall be considered the curb level.

Note.—This definition of curb level is very nearly the same as the one in the new Building Code and the one in the Tenement House Law. It will be observed, however, that in the last clause of Section 1, paragraph f, the definition of curb in the Tenement House Law should govern wherever the building comes under the Tenement House Law. If a corner building faces on a 60-foot street and two 100-foot streets, the height of the building may be determined from the higher of the two 100-foot streets. A street or public open space wider than 100 feet should be considered to be of the same width as a 100-foot street. If a building, not on a corner, runs through a block from one street to another each street wall would take its height from the street on which it faces but the yards and courts would all be reckoned from the curb level of the highest street whether on a corner or not.

(e) A "street wall" of a building, at any level, is the wall or part of the building nearest to the street line.

Note.—A street wall, as here defined, would not have to be on the street line. Here the street line is the dividing line between the public legal street and the private property regardless of whether there is a setback easement or not. If a street wall or a portion of a street wall is set at any angle with the street line, it should be considered as set back at its average distance from the street line. Of course, this would not prevent the projection of ordinary dormers and bay windows beyond the street wall as allowed in the Building Code nor would it prevent the projection of wall signs, etc., provided that they keep within the height regulations. The street wall is also intended to include the front walls of setbacks as they may occur above the height limit at the street line and will also include the front walls of dormers, towers and headhouses. The street wall might also include any other wall which is near enough to any street to be affected by the height limits upon such street. Thus if a building faces upon one street and extends through to or even near to another street, its rear or side walls, where they might be affected by the height limits on such other street, should be regarded as street walls on such street for the purpose of determining their height.

(f) The "height of a building" is the vertical distance measured in the case of flat roofs from the curb level to the level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs from the curb level to the mean height level of the gable. Where no roof beams exist or there are structures wholly or partly above the roof the height shall be measured from the curb level to the level of the highest point of the building. Where a building is a tenement house as defined in the Tenement House Law the height of the building on the street line shall be measured as prescribed in said law for the measurement of the height of a tenement house and such measurement shall be from the curb level as that term is used in said law.

Note.—The height of a building is virtually the same as defined in the Building Code. A roof sign or other structure on the building would have to come within the height limit. Parapets, dormers, headhouses, roof signs, etc., may be excepted from the above as set forth in the exceptions to the height provisions in Section 9. The last sentence in 1-f was added in order to allow nine stories to be erected in the 90 feet of height allowed for apartments under the Tenement House Law on the 60-foot streets of the city. This would be virtually impossible under the definition of height in the first sentence of 1-f. The height of a building having a pitched roof, the gable of which does not face the street, should be measured to the level of the highest point of the roof beams where they are adjacent to the street wall.

(g) The "depth of a lot" is the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Note.—The depth of a lot would be measured, where possible, parallel with the sides of the lot, but if they were not parallel it would be measured in the direction of the bisectrix of the angle between them. Where there would be more than one bisectrix the resultant bisectrix would be used. If the rear line of the lot is irregular or is not parallel with the rear line of the building or with the street, the mean distance from the extreme rear of the building to the rear line of the lot should be taken in computing the minimum depth of the rear yard or of the rear court. This definition differs from that in the Tenement House Law.

(h) A "rear yard" is an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

Note.—This differs from the definition in the Tenement House Law. There the rear yard is between the extreme rear line of the building and the rear of the lot. Here it would be between any rear line of the building and the corresponding rear line of the lot behind it. However, it has been the custom of the Tenement House Commissioner to interpret that law in the manner here suggested.

(i) The "depth of a rear yard" is the mean distance between the rear line of the building and the rear line of the lot.

Note.—This definition of the depth of a rear yard applies only to determining the depth of a rear yard as a percentage of the depth of the lot, meaning that some parts of the rear yard may be less than the required percentage in depth and other parts more, provided their combined mean depth is within the provisions. In any case, however, every part of every prescribed rear yard should be at least of its required size in inches for each one foot of height.

(j) Lots or portions of lots shall be deemed "back to back" when they are on opposite sides of the same part of a rear line common to both and the opposite street lines on which the lots front are parallel with each other or make an angle with each other of not over 45 degrees.

Note.—It is intended that lots on the corners of two or more streets need never, and interior lots fronting on the narrow ends of blocks need rarely be back to back with another property. In general, it is the lots in the middle of the long sides of blocks that would be back to back with each other. The common rear lot line would not have to be parallel with either street in order to make lots back to back. The buildings on lots which are back to back would themselves be deemed to be back to back. This differs from the customary use of the term "back to back" in tenement and housing laws where it applies generally to rear dwellings which actually back upon the rear lot line.

(k) A "court" is an open unoccupied space, other than a rear yard, on the same lot with a building. A court not extending to the street or to a rear yard is an "inner court." A court extending to the street or a rear yard is an "outer court." A court on the lot line extending through from the street to a rear yard or another street is a "side yard."

Note.—The definitions of courts are approximately the same as those of the Tenement House Law. In the case of a building that is not required to have a rear yard, a rear open space equal in size to an inner court would be required where an outer court or a side yard opens on it. Where a court or yard consists of one or more distinct parts, each part should be considered by itself and its required dimensions and area determined accordingly.

(l) The "height of a yard or a court" at any given level shall be measured from the lowest level of such yard or court as actually constructed or from the curb level, if higher, to such level. The highest level of any given wall bounding a court or yard shall be deemed to be the mean height of such wall. Where a building is a tenement house, as defined in the Tenement House Law, the height of a yard or a court shall be measured as prescribed in such law.

Note.—The height of yards and courts would as a general rule be measured as they are in the Light and Ventilation Article of the Building Code, that is, from the lowest level of the yard or court. The lowest level might be the curb level or it might be the top of the ground story, or it might be higher, but the bottom of a prescribed rear yard cannot be higher than 23 feet above the curb. Even though there may be janitor's quarters in a basement, the height of a yard or court need not be reckoned from below the curb levels. To allow for stairway and elevator pent houses, the highest level of a court or yard wall can be

its walls could rise to the same height but in a rectangular court some walls can rise higher than others. As an exception to the above rule for all buildings that are subject to the provisions of the Tenement House Law, the height of yards and courts would be measured from the curb level even though the yard or court actually starts at or above the second floor level. This subsection was intentionally put in the form it was in order to permit yards and courts to be smaller in size nearer the bottom and widen out as they go up in height.

(m) The "least dimension" of a yard or court at any level is the least of the horizontal dimensions of such yard or court at such level. If two opposite sides of a yard or court are not parallel, the horizontal dimension between them shall be deemed to be the mean distance between them.

Note.—If a court or yard is of irregular shape, say, for example, a trapezoid, the mean clear horizontal dimensions in each direction would be calculated and the least of these would be the one taken for the purposes of this resolution. It would be obtained as follows: For each side of the court or yard all of the horizontal dimensions of the court or yard measured in a direction perpendicular to such side should be averaged in a weighted average. There would thus be as many mean dimensions as there are sides to the yard or court. Where there is a re-entrant angle in a yard or court the dimensions should not be measured beyond a prolongation of the sides of such angle. However, an exact method of making computation under this paragraph will undoubtedly be determined by the Board of Appeals.

(n) The "length of an outer court" at any given point shall be measured in the general direction of the side lines of such court from the end opposite the end opening on a street, or a rear yard, to such point.

Note.—The length of an outer court should always be measured from the closed end. This is done with a view to encouraging the widening of courts near the open ends. It was not intended that an offset to an outer court be used to increase its length.

ARTICLE II—USE DISTRICTS

§ 2. **Use Districts.** For the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for specified uses, the City of New York is hereby divided into three classes of districts: (1) residence districts, (2) business districts, and (3) unrestricted districts; as shown on the use district map which accompanies this resolution and is hereby declared to be part hereof. The use districts designated on said map are hereby established. The use district map designations and map designation rules which accompany said use district map are hereby declared to be part thereof. No building or premises shall be erected or used for any purpose other than a purpose permitted in the use district in which such building or premises is located.

Note.—The tracts designated "undetermined" on the use district maps are not considered as districted. It is to be expected that they would be divided off into residence, business and unrestricted districts as soon as the Port and Terminal plans and other matters affecting them have been settled. Where in the last sentence of this section it says that "No building * * * shall be * * * used * * * etc.," it is not intended that there shall be any conflict with Section 6 with regard to the use of existing buildings. If there were any question it was intended that Section 6 should govern.

§ 3. **Residence Districts.** In a residence district no building shall be erected other than a building with its usual accessories, arranged, intended or designed exclusively for one or more of the following specified uses:

(1) Dwellings which shall include dwellings for one or more families and boarding houses and also hotels which have thirty or more sleeping rooms.

(2) Clubs, excepting clubs the chief activity of which is a service customarily carried on as a business.

(3) Churches.

(4) Schools, libraries or public museums.

(5) Philanthropic or eleemosynary uses or institutions other than correctional institutions.

(6) Hospitals and sanitariums.

(7) Railroad passenger stations.

(8) Farming, truck gardening, nurseries or green houses.

In a residence district no building or premises shall be used for any use other than a use above specified for which buildings may be erected and for the accessory uses customarily incident thereto. The term accessory use shall not include a business nor shall it include any building or use not located on the same lot with the building or use to which it is accessory. A private garage for more than five motor vehicles shall not be deemed an accessory use.

Note.—It is the intent of this section to exclude from residence districts all property uses which are objectionable to those who wish to preserve the residential neighborhoods intact. However, unless there is some good reason to the contrary in a specific case, it is not the intention of this section to keep doctors, dentists, nurses, artists, etc., from practicing their profession at their houses. Nor would it even preclude a masseuse, a manicurist, a hairdresser, a milliner or a dressmaker from doing her work at home provided there were no advertising signs on display. In any case, however, a small name plate, such as doctors use, could hardly be objectionable. A private garage, even if only for one car, could not be located in a residence district on a plot other than the one on which the house was located.

§ 4. Business Districts. (a) In a business district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for any of the following specified trades, industries or uses:

Ammonia, chlorine or bleaching powder manufacture.

Asphalt manufacture or refining.

Assaying (other than gold or silver).

Blacksmithing or horseshoeing.

Boiler making.

Brewing or distilling of liquors.

Carpet cleaning.

Celluloid manufacture.

Crematory.

Distillation of coal, wood or bones.

Dyeing or dry cleaning.

Electric central station power plant.

Fat rendering.

Fertilizer manufacture.

Garage for more than five motor vehicles, not including a warehouse where motor vehicles are received for dead storage only, and not including a salesroom where motor vehicles are kept for sale or for demonstration purposes only.

Gas (illuminating or heating) manufacture or storage.

Glue, size and gelatine manufacture.

Incineration or reduction of garbage, offal, dead animals or refuse.

Iron, steel, brass or copper works.

Junk, scrap paper or bag storage or baling.

Lamp black manufacture.

Lime, cement or plaster of Paris manufacture.

Milk bottling and distributing station.

Oil cloth or linoleum manufacture.

Paint, oil, varnish or turpentine manufacture.

Petroleum refining or storage.

Printing ink manufacture.

Raw hides or skins—storage, curing or tanning.

Repair shop for motor vehicles.

Rubber manufacture from the crude material.

Saw or planing mill.

Shoddy manufacture or wool scouring.

Slaughtering of animals.

Smelting.

Soap manufacture.

Stable for more than five horses.

Starch, glucose or dextrine manufacture.

Stock yards.

Stone or monumental works.

Sugar refining.

Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.

Tallow, grease or lard manufacturing or refining.

Tar distillation or manufacture.

Tar roofing or tar waterproofing manufacture.

(b) In a business district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for any trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise; but car barns or places of amusement shall not be excluded.

(c) In a business district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for any kind of manufacturing, except that any kind of manufacturing not included within the prohibitions of paragraphs a and b of this section may be carried on provided not more than 25 per cent. of the total floor space of the building is so used, but space equal to the area of the lot may be so used in any case, although in excess of said 25 per cent. The printing of a newspaper shall not be deemed manufacturing. No use permitted in a residence district by section 3 shall be excluded from a business district.

Note.—In a business district a limited amount of unobjectionable manufacturing might be carried on provided that the aggregate area devoted to manufacturing of various kinds throughout the various stories of the building does not exceed 25 per cent. of the total floor space of the building with a possible minimum maximum of floor space equal to the area of the lot. This was designed primarily to take care of the fabricating, altering and repairing that must go on directly in connection with the larger stores and shops. In the section prohibiting more than five automobiles in a public garage, it was intended that there should be not more than one such garage on any one normal plot.

§ 5. Unrestricted Districts. The term "unrestricted district" is used to designate the districts for which no regulations or restrictions are provided by this article.

Note.—Until the undetermined regions are later determined they should be considered the same as the unrestricted districts.

§ 6. Existing Buildings and Premises. In any building or premises any lawful use existing therein at the time of the passage of this resolution may be continued therein, although not conforming to the regulations of the use district in which it is maintained, or such use may be changed or converted or extended throughout the building, provided, in either case, that no structural alterations, except as required by existing laws and ordinances, are made therein and no building is erected, and provided further that:

(1) In a residence district no building or premises unless now devoted to a use that is by section 4 prohibited in a business district, shall be converted to such use; and

(2) In a residence or business district no building or premises unless now devoted to a use that is by paragraph a or b of section 4 prohibited in a business district shall be converted to such use.

No existing building designed, arranged, intended or devoted to a use not permitted by this article in the district in which such use is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building is located; except that such building may be reconstructed or

structurally altered to an extent not greater than 50 per cent. of the value of the building, exclusive of foundations, for the purpose of continuing therein, without any extension thereof, a lawful use existing therein at the time of the passage of this resolution, and such may be continued therein, although not conforming to the regulations of the use district in which it is maintained.

Note.—It is intended that an existing factory loft building which would find itself in a business district even though it were entirely vacant at the time of passage of this resolution, if it were obviously designed for manufacturing, should be allowed to continue in that use. Or again, 50 per cent. of the value of the entire existing building might be reconstructed provided that the amount of such use were not changed, or the use itself might be increased to fill the whole plant provided that no structural alterations were made in the building for such purpose, except, of course, for such retroactive orders for structural changes as might be given by the Fire Commissioner, for example. The same would be true of a building for which plans had been filed at the time of passage of this resolution. On the other hand, it is intended that a building which has been occupied for business use and not for manufacturing shall not be converted to industrial use where it happens to come in a business district. A private house could be altered into a club house or boarding house within a residence district, but not into a store or other business or industrial use.

§ 7. Use District Exceptions. The Board of Appeals, created by chapter 503 of the laws of 1916, may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the use district regulations herein established in harmony with their general purpose and intent as follows:

(a) Permit the extension of an existing building and the existing use thereof upon the lot occupied by such building at the time of the passage of this resolution or permit the erection of an additional building upon a lot occupied at the time of the passage of this resolution by a commercial or industrial establishment and which additional building is a part of such establishment.

Note.—This would permit an industrial or business plant located at the time of passage of this resolution in a business or even a residence district to continue to build on additions provided that such extensions do not constitute an extension of the land area occupied and provided the Board of Appeals is convinced, after due notice and public hearing, that they will not harm the neighborhood. It is not assumed, for example, that under this provision a one-story garage in a residence district could be converted into a three-story garage as that would doubtless be a detriment to the neighborhood. The Board of Appeals would be expected to exercise their discretionary power on these matters only after reasonable notice and hearing, to which hearing all affected would be expected to come. It is not lawful that the Board of Appeals should change the law; they would merely interpret it.

(b) Where a use district boundary line divides a lot in a single ownership at the time of the passage of this resolution, permit a use authorized on either portion of such lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the district in which such use is authorized.

Note.—Where the influence of a business street extends back for 100 feet and only 100 feet along a side residence street this would in appropriate cases allow a man who owns from a point 50 feet from the corner to a point 125 feet from the corner to use his whole front for business, but if his parcel runs to 150 feet from the corner the last 25 feet would have to be used for residence purposes. Where not on a corner the same would be true with regard to the depth of the lot. If a lot on a business street were 150 feet deep and the parallel street 200 feet behind the first street were residence the business use could in appropriate cases go back 125 feet and the last 25 feet of the lot would be residential. The method of carrying a business use back further still into a residence district is shown in the next subsection.

(c) Permit the extension of a building into a more restricted district under such condition as will safeguard the character of the more restricted district.

Note.—Under this subsection the Board of Appeals could in appropriate cases permit a factory building to run well back into a business

district or a department store to run back into a residence district, provided, for example, that in the case of the factory the operatives and the goods came and went by entrances within the unrestricted district and provided that in the latter case the store had no show windows or signs or entrance within the residence district. Preventing the blocking of the side residence street with delivery wagons would probably be a sufficient cause for refusing such an extension. Cases of the above could extend around the end of a block or through the middle of a block.

(d) Permit in a residence district a central telephone exchange or any building or use in keeping with the uses expressly enumerated in section 3 as the purposes for which buildings or premises may be erected or used in a residence district.

Note.—There are many special types of buildings, in particular, public service buildings; types which cannot be listed in detail yet which can be allowed in specific cases in residence districts without doing any harm to their surroundings, but such should be allowed by the Board of Appeals only after due notice and hearing.

(e) Permit in a business district the erection of a garage or stable in any portion of a street between two intersecting streets in which portion or block there exists a public garage or public stable at the time of the passage of this resolution.

Note.—Public garages or stables are not permitted in business districts but where they have located on business streets prior to the passage of this resolution and have already harmed the block even for business purposes so that it has little value except for garages and stables then the Board of Appeals would have the power to let the rest of the block front, or any part of it, go.

(f) Grant in undeveloped sections of the city temporary and conditional permits for not more than two years for structures and uses in contravention of the requirements of this article.

Note.—This would allow a man in an outlying part of the city in the midst of what is shown on the map as a future residence section to locate a cement block making plant or a public garage, provided that he would remove his plant at the end of two years if the Board of Appeals thought it was becoming a nuisance. If there seemed to be any doubt about being able to force the owner to remove the building later the Board of Appeals could demand that he give a bond.

ARTICLE III—HEIGHT DISTRICTS

§ 8. Height Districts. For the purpose of regulating and limiting the height and bulk of buildings hereafter erected, the City of New York is hereby divided into five classes of districts: (a) one times districts, (b) one and one-quarter times districts, (c) one and one-half times districts, (d) two times districts, (e) two and one-half times districts; as shown on the height district map which accompanies this resolution and is hereby declared to be part hereof. The height districts designated on said map are hereby established. The height district map designations and map designation rules which accompany said height district map are hereby declared to be part thereof. No building or part of a building shall be erected except in conformity with the regulations herein prescribed for the height district in which such building is located.

(a) In a one times district no building shall be erected to a height in excess of the width of the street, but for each one foot that the building or a portion of it sets back from the street line two feet shall be added to the height limit of such building or such portion thereof.

Note.—The height limits as proposed would affect only new buildings or existing buildings when they came to be altered. If a roof house or a roof sign were placed on top of the building, it would have to conform to these height provisions. The intent of these provisions is to keep all buildings down to a height that will allow the greatest amount of light to penetrate into the street and into the lower windows of opposite buildings consistent with a reasonable improvement of the property. On account of widely different local conditions in different parts of New York, it seemed necessary to have five classes, as above indicated.

(b) In a one and one-quarter times district no building shall be erected to a height in excess of one and one-quarter times the width of the street, but for each one foot that the building or a portion of it sets back from the street line two and one-half feet shall be added to the height limit of such building or such portion thereof.

(c) In a one and one-half times district no building shall be erected to a height in excess of one and one-half times the width of the street, but for each one foot that the building or a portion of it sets back from the street line, three feet shall be added to the height limit of such building or such portion thereof.

Note.—Exactly the same principles apply in all five districts. The one and one-half times district is chosen for illustrative examples merely for convenience. In a one and one-half times district the height of all buildings would be made to conform approximately to that now provided for in the Tenement House Law. However, on account of the difference in definition of curb level, buildings other than tenement houses would take their height from the widest street and not from the street of greatest grade. A setback means briefly this: that if an owner wishes to carry a building to a greater height than that allowed on the street line, as, for example, above 90 feet on a 60-foot street in one and one-half times district, he can add on an upper 30 feet provided he sets the upper 30 feet back 10 feet from the street line. He can make that setback right from the height limit in the form of a mansard which would slope back in a ratio of one foot horizontally to three feet vertically, or in a setback of three and one-third feet for each of three stories, or in a setback of 10 feet for the whole height of 30 feet; then he can set back again above the top of this setback provided he keeps within the same setback plane. In general the setbacks might be determined by a line drawn from the center of the street up through the horizontal line in the street wall on the street line at the level of the height limit on the street line for that district and street.

SETBACK PRINCIPLE

Typical example in a 1½ times district, for streets 50' to 100' wide

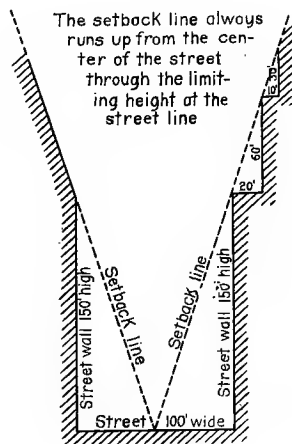


Figure 1

In the street in question this horizontal height limit line would be at a level of 90 feet. These two lines would determine a plane which might be called a setback plane and no portion of the building erected above the height limit would project in front of this setback plane except as allowed later on in the case of dormers, towers or parapets. Not only that, but no portion of any building whether it actually fronts on the street or not should project beyond any setback plane.

(d) In a two times district no building shall be erected to a height in excess of twice the width of the street, but for each one foot that the building or a portion of it sets back from the street line, four feet shall be added to the height limit of such building or such portion thereof.

(e) In a two and one-half times district no building shall be erected to a height in excess of two and one-half times the width of the street, but for each one foot that the building or a portion of it sets back from the street line, five feet shall be added to the height limit of such building or such portion thereof.

HEIGHT LIMITS - 1½ TIMES DISTRICTS

*Same principles apply in each of the other districts
Set backs may be at each story or several stories at once or in the form of a mansard*

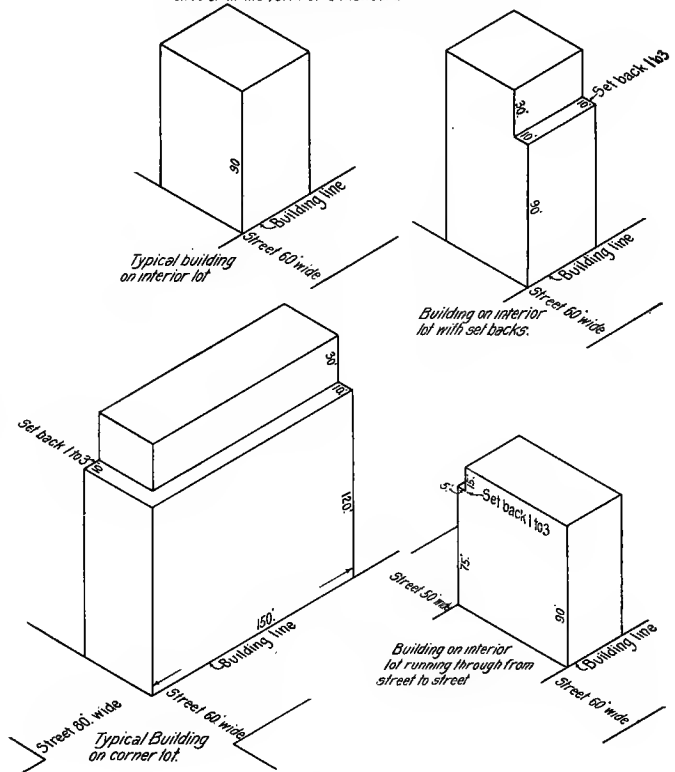


Figure 2

§ 9. Height District Exceptions. (a) On streets less than 50 feet in width the same height regulations shall be applied as on streets 50 feet in width and, except for the purposes of paragraph d of this section, on streets more than 100 feet in width the same height regulations shall be applied as on streets 100 feet in width.

Note.—It is intended that a building should be permitted to go just as high, under this resolution, on a 30 or 35-foot street as it could on a 50-foot street and, conversely, a building facing on a street or park or open space more than 100 feet wide including the bordering street should go no higher than it could if it faced on a 100-foot street. The first exception was made to prevent working a hardship on property in the old narrow streets of the city. With a very few rare exceptions no new streets are being laid out to-day in New York City less than 50 feet wide. With regard to the latter exception it was felt that buildings facing on parks or open spaces might be allowed to go a little higher than other buildings as far as the street frontage was concerned, but, on the other hand, allowing such buildings to go higher would correspondingly interfere with the light and air of the neighboring properties behind and on either side of the building in question and it was felt that this disadvantage more than offset any exception which facing on the park might lead the owner to expect in the way of additional height.

(b) Along a narrower street, near its intersection with a wider street, any building or any part of any building fronting on the narrower street within 100 feet, measured at right angles to the side of the wider street, shall be governed by the height regulations provided for the wider street. A corner building on such intersecting streets shall be governed by the

height regulations provided for the wider street for 150 feet from the side of such wider street, measured along such narrower street.

Note.—It is intended that any building or any part of a building within 100 feet of a corner regardless of whether its front actually turns the corner or not and regardless of whether the lot runs through to the wider street or not, may take advantage of the height allowed on the widest of the streets which bound it at the corner. A single building on a corner might carry its height on the wider street back for 150 feet along the narrower street. This would mean that on a corner of a 100 and a 60-foot street in a one and one-half times district an office building or an apartment house might carry 150 feet of height on the street wall back 150 feet along the side street and from there on down the side street the street wall on the street line could be only 90 feet in height, but the street wall might continue on up to 150 feet in height like the rest of the building provided that the upper 60 feet set back 20 feet from the street line or back to a second line of columns. It is imperative that height limits prescribed for the narrow street, especially where it is 60 feet or less in width, should be rigidly observed to within a short distance of the wider street, otherwise the whole virtue of these restrictions will be vitiated.

(c) Above the height limit at any level for any part of a building a dormer, elevator bulkhead or other structure may be erected provided its frontage length on any given street be not greater than 60 per cent. of the length of such street frontage of such part of the building. Such frontage length of such structure at any given level shall be decreased by an amount equal to one per cent. of such street frontage of such part of the building for every foot such level is above such height limit. If there are more than one such structures, their aggregate frontage shall not exceed the frontage length above permitted at any given level.

Note.—This provision is intended to allow for dormers in a mansard roof above the height limit on the street line. It would permit one large dormer on each mansard or a number of small dormers on each mansard provided their aggregate frontage did not exceed the provisions here stated. It would also permit elevator headhouses on or near the street line and permit a tower or heltry or other such feature to be carried up on the street line, a feature which would hardly be possible under 9-d, except on a street over 100 feet wide. It would also give more latitude in the construction of a tower at the street line under 9-d. On a 100-foot frontage this dormer provision would mean that the dormer on the street line at the height limit could be 60 feet wide; by the time it had gone up 10 feet it could be only 50 feet wide; by the time it had gone up 30 feet it could be only 30 feet wide, and by the time it had gone up 60 feet it would be reduced to a point. This rule would create at least three limiting planes which intersect the set-back plane.

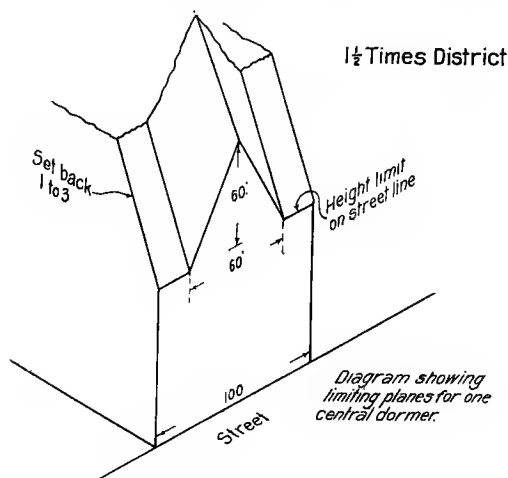


Figure 3

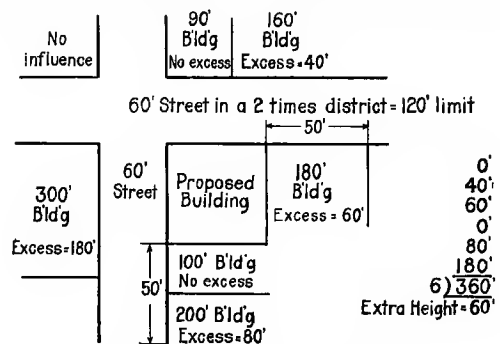
(d) If the area of the building is reduced so that above a given level it covers in the aggregate not more than 25 per cent. of the area of the lot, the building above such level shall

be excepted from the foregoing provisions of this article. Such portion of the building may be erected to any height, provided that the distance which it sets back from the street line on each street on which it faces, plus half of the width of the street, equals at least 75 feet. But for each one per cent. of the width of the lot on the street line that such street wall is less in length than such width of the lot, such wall may be erected four inches nearer to the street line.

Note.—If a street, park or open space is 150 feet or more in clear width in front of a building, a tower might be built directly across the whole front of the building provided the tower does not cover more than 25 per cent. of the area of the lot. On a street 100 feet wide a tower could be built across the whole front of the building provided that it set back 25 feet from the street line and also did not occupy more than 25 per cent. of the area of the lot. If the building were 200 feet front on a 100-foot street, a tower with a 50-foot frontage might be built on the street line to any height and then splay back on either side in a ratio of one foot in increased width parallel with the street line for every four inches back from the street line, but in no case could a tower occupy more than 25 per cent. of the area of the lot. A tower on the corner of a park and a 60-foot street could rise directly on the street wall on the park side, but would have to set back 45 feet from the 60-foot street line. If, however, its frontage on a 60-foot street was only a quarter of such street frontage, the tower might approach within 20 feet of the street line. The increasing sizes of yards and courts would be constantly operative and it would be desirable so to place the tower that the yard and court provisions would not interfere with it.

(e) When at the time plans are filed for the erection of a building there are buildings in excess of the height limits herein provided within 50 feet of either end of the street frontage, of the proposed building or directly opposite such building across the street, the height to which the street wall of the proposed building may rise shall be increased by an amount not greater than the average excess height of the walls on the street line within 50 feet of either end of the street frontage of the proposed building and at right angles to the street frontage of the prescribed height limit for the street. The average amount of such excess height shall be computed by adding together the excess heights above the prescribed height limit for the street frontage in question of all the walls on the street line of the buildings and parts of buildings within the above defined frontage and dividing the sum by the total number of buildings and vacant plots within such frontage.

Note.—Let us suppose it were proposed to erect a building on an inside lot on a 50-foot street in a two and one-half times district and a large building across the street was 525 feet high, an existing building on one side 225 feet high and one on the other side 150 feet high. The height limit on the street would be 125 feet normally. All three of these surrounding buildings are well over that limit, one of them 400 feet; one by 100 feet and one by 25 feet, or a total of 525 feet. Dividing by three would give an excess average height of 175 feet, therefore, according to this provision, the proposed building might rise to a height of 125



Proposed Building may go to 180'.

Figure 4

plus 175 feet, or 300 feet. If at some future time the 225-foot building on one side were to be torn down and a new building erected on this

side, the new building could use the 300 feet of the first new building in computing the excess height to which it might rise. Existing buildings lower than the height limit or vacant lots would be considered in this computation as though they were at the height limit. If within 50 feet on either side and directly across the street, there were, for example, five buildings, only two of which were higher than the height limit, the excess height of these two buildings would be divided by five in determining the excess height to which the proposed buildings might go. Buildings directly across either street from corner buildings should be considered, but a building diagonally across the corner should not be considered. The proposed building should not be counted in arriving at the above divisor.

(f) Nothing in this article shall prevent the projection of a cornice beyond the street wall to an extent not exceeding five per cent. of the width of the street nor more than five feet in any case. Nothing in this article shall prevent the erection above the height limit of a parapet wall or cornice solely for ornament and without windows extending above such height limit not more than five per cent. of such height limit, but such parapet wall or cornice may in any case be at least five and one-half feet high above such height limit.

Note.—If a street is 100 feet wide a cornice might project five feet. If the street was 50 feet wide it might project two and one-half feet. The projection allowed on the wider street could not be carried back on to the narrower street without setting the whole wall back from the street line. It is obvious that a parapet on a set-back portion could be higher than on the street wall. A cornice could project its full five per cent. in front of the parapet wall even above the height limit but not above the height limit for the parapet. If on a 100-foot street a building or the upper stories of the building set back 20 feet from the street line, a cornice might project six feet in front of such set-back wall at the height limit, if it were not for the provision that no cornice shall project more than five feet beyond the street wall. If it should be desired to have a projection of ten feet to a cornice on a 100-foot street the whole wall should set back five feet from the street or set-back line.

(g) The provisions of this article shall not apply to the erection of church spires, belfries, chimneys, flues or gas holders.

Note.—These features were excepted because their size or shape is such as to permit a very free diffusion of light and circulation of air about them.

(h) Where not more than 50 feet of a street frontage would otherwise be subjected to a height limit lower than that allowed immediately beyond both ends of such frontage, the height limit on such frontage shall be equal to the lesser of such greater height limits.

Note.—Where a narrower street is less than 350 feet long between two wider streets there is no great gain to the side street in stepping down to the lower heights for the less than 50 feet that may possibly remain in the intervening frontage after allowing for a return 150 feet deep from each main street; therefore, the lower of the two end street heights is allowed to carry across.

(i) If an additional story or stories are added to a building existing at the time of the passage of this resolution, the existing walls of which are in excess of the height limits prescribed in this article, the height limits for such additional story or stories shall be computed from the top of the existing walls as though the latter were not in excess of the prescribed height limits and the carrying up of existing elevator and stair enclosures shall be exempted from the provisions of this article.

Note.—Whenever in the future, stories are added to an existing building, the top of the existing street walls, if they are over the height limit, can be taken to be at the height limit for the purpose of computing setbacks, and the top of the existing yards and courts can be taken to be of the prescribed sizes, even though they may be less, for the purpose of continuing up the yard or court walls.

ARTICLE IV—AREA DISTRICTS

§ 10. Area Districts. For the purpose of regulating and determining the area of yards, courts and other open spaces

for buildings hereafter erected, the City of New York is hereby divided into five classes or area districts: A, B, C, D and E; as shown on the area district map which accompanies this resolution and is hereby declared to be part hereof. The area districts designated on said map are hereby established. The area district map designations and map designation rules which accompany said area map are hereby declared to be a part thereof. No building or part of a building shall be erected except in conformity with the regulations herein prescribed for the area district in which such building is located. Unless otherwise expressly provided the term rear yard, side yard, outer court or inner court when used in this article shall be deemed to refer only to a rear yard, side yard, outer court or inner court required by this article. No lot area shall be so reduced or diminished that the yards, courts or open spaces shall be smaller than prescribed in this article.

Note.—It is the intention of the area restrictions to prevent a man from shutting off or decreasing below a reasonable amount the access of light and air to windows in neighboring buildings, especially on the lower stories. It would also provide for reasonable and adequate lighting of rooms in the lower stories of the building itself where they face on a yard or court. Part of the general intent is to provide, wherever possible, for a common yard space in the center of the block from which all of the abutting buildings could draw light and air. A man cannot provide a rear yard space on his lot of just the required size and then after he has built his building sell off part of the rear space to his neighbor.

§ 11. A Districts. In an A district a court at any given height shall be at least one inch in least dimension for each one foot of such height.

Note.—The A districts are intended to make it possible for warehouses, storage buildings, grain elevators, cold storage plants, etc., buildings which require no light or ventilation from the outside, to occupy 100 per cent. of the lot. The A districts have been located only along the navigable waterfront and along certain freight railways, where such warehouse buildings would be most likely to locate and also where such buildings would have the least harmful effect on surrounding tenements or factories. The Light and Ventilation ordinance of the Board of Aldermen provides in general that a court for the lighting and ventilation of any room shall have a width at any point of not less than one inch for every foot of height, and this provision is retained here as a minimum standard. It is understood that any tenement house in an A district would have to conform to the Tenement House Law, and any buildings other than warehouses would have to conform to the Light and Ventilation ordinance of the Board of Aldermen. This does not mean that buildings which cover 100 per cent. of their lots must locate exclusively in A districts. In the B, C and D districts, which are defined below, a department store, for example, not back to back with another building and with no rooms which would have to face on a legal court, under the Light and Ventilation ordinance, or this Resolution, could occupy 100 per cent. of the lot.

§ 12. B Districts. In a B district a rear yard at any given height shall be at least two inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 10 per cent. of the depth of the lot, but need not exceed 10 feet at such level. An outer court or a side yard at any given height shall be at least one inch in least dimension for each one foot of such height. An outer court at any given point shall be at least one and one-half inches in least dimension for each one foot of length. But for each one foot that an outer court at any given height would, under the above rules, be wider in its least dimension for such height than the minimum required by its length, one inch shall be deducted from the required least dimension for such height for each 24 feet of such height. A side yard for its length within 50 feet of the street may for the purposes of the above rule be considered an outer court.

Note.—In the B districts, all buildings, whether stores, offices, factory lofts, hotels or apartments, would have to conform to the above provisions with regard to yards and courts, which are approximately the same as those required by the Tenement House Law up to between 90 and 100 feet in height. Above that height yards and outer courts under this resolution would have to be a little larger and become increasingly

larger as the building went up in height. Inner courts on the lot line would not become larger than required under the Tenement House Law below 120 feet in height, while inner courts not on the lot line would not become larger below 228 feet in height. Whenever rear yards are required above a level 23 feet above the curb level, they should never be less than 10 feet deep on a lot 100 feet or more in depth. Where a building is back to back with another building, a required rear yard at 150 feet in height would have to be 25 feet in least dimension; at 90 feet in height it would have to be 15 feet in least dimension, all heights being taken from the curb level where they relate to buildings in a residence district. If the building were not in a residence district, 3 feet 10 inches might be subtracted from each of these least dimensions, as the yard might start 23 feet above the curb.

An outer court at 150 feet in height at the top would have to be $12\frac{1}{2}$ feet in least dimension, and if its length were more than eight times its width, it would have to be widened out somewhat at the open end. At 90 feet in height, such outer court would have to be $7\frac{1}{2}$ feet in width. If, in a building 150 feet high where an outer court would normally have to be $12\frac{1}{2}$ feet wide, the court, instead of eight times, is not over four times as long as it would have to be wide; that is, not over 50 feet long, then it could be six inches narrower for every 24 feet of height or three feet narrower for a building between 144 and 168 feet high. This would bring it down to what is required under the Tenement House Law. By the same rule, the side yard required under the Tenement House Law may be reduced from $12\frac{1}{2}$ feet to the 10 feet required in that law, provided such yard is not more than 50 feet in depth from the street. Wherever a unit such as 24 feet is mentioned, no subdivision of it should be allowed. Forty-seven feet would count as only 24 feet.

Inner courts, whether on the lot line or not, would be about half way between the required yard and the outer court in dimensions. For example, in a building 150 feet high, an inner court at the top could be not over 25 feet square, or at least 625 square feet in area. An inner court of equivalent area could be 18 by 36 feet but not 17 by 38 feet because 17 feet is less than one-half of 38 feet. At 90 feet in height at the top the court would have to be 15 feet square, or contain 225 square feet, provided that it were not more than twice as long as it were wide for that area. In the case of a building which was not back to back with another building, an outer court could use the minimum provisions here stated for outer courts only in case the rear yard on which it opened was of the dimensions here given for an inner court; that is to say, at 150 feet in height, 25 feet square, or 18 by 36 feet, or with dimensions

somewhere between, giving an area of 625 feet. However, a special exception is made to the above especially for corner buildings on narrow lots, according to which the size of such an inner court might be reduced if connected with the street by a side yard.

§ 13. C Districts. (a) In a C district a rear yard at any given height shall be at least three inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 10 per cent. of the depth of the lot but need not exceed 10 feet at such level. An outer court or a side yard at any given height shall be at least one and one-half inches in least dimension for each one foot of such height. An outer court at any given point shall be at least one and one-half inches in least dimension for each one foot of length. On a lot not more than 30 feet in mean width an outer court or a side yard at any given height shall be not less than one inch in least dimension for each one foot of such height, and an inner court at any given height shall be either (1) not less than two inches in least dimension for each one foot of such height or (2) it shall be of an equivalent area as hereinafter specified in paragraph c of section 17.

Note.—In a C district the prescribed minimum sizes of yards and courts remain about the same as under the Tenement House Law up to and including five stories in height. Above that height, however, they gradually become more stringent than under the Tenement House Law. In a building five stories, or approximately 56 feet in height, a rear yard under these provisions would have to be 14 feet wide at the top or two feet wider than required under the Tenement House Law. An outer court would have to be seven feet, or one foot wider than required under the Tenement House Law. An inner court would have to be 14 feet square, or a little less than 10 by 20 feet; while under the Tenement House Law an inner court on the lot line would have to be 12 by 24 feet. However, the 70 per cent. clause in the Tenement House Law is very apt to require increases from the minimum widths and depths of courts and yards greater than the difference between this resolution and the Tenement House Law. An outer court seven feet wide could be 56 feet long before it would have to be widened out at its open end.

A special exception for outer and inner court provisions was made in lots 30 feet or less in width on account of the extra difficulties of planning practicable buildings for such lots. On a lot 30 feet or less in width an outer court in a building five stories, or 56 feet, need not be more than four feet eight inches wide under this resolution, although under the Tenement House Law it would have to be at least five feet wide. For a width of five feet it could be 40 feet long, but if it were desired to make the outer court 60 feet long, the 20 feet of length nearest the open end would have to gradually widen out to $7\frac{1}{2}$ feet. The side yard of such building need not be over four feet eight inches wide through from street to prescribed rear yard. An inner court in such a building under this resolution might be $6\frac{1}{2}$ by 13 feet, although under the Tenement House Law it would have to be at least 8 by 14 feet, if on the lot line. These narrow lots are virtually put in the B districts except for rear yards.

(b) If the owner or owners of any part of a C district set aside perpetually for the joint recreational use of the residents of such part designated by them, an area at least equal to 10 per cent. of the area of such part in addition to all yard and court requirements for a B district, such part shall be subject to the regulations herein prescribed for a B district. Such joint recreational space shall be composed of one or more tracts, each of which shall be at least 40 feet in least dimension and 5,000 square feet in area and shall be approved by the Board of Appeals as suitable for the joint recreational use of such residents.

Note.—The recreational problem is so important in residential districts that it is worth while to make a concession in the yard and court provisions in order to obtain additional space for playground use and, therefore, this arrangement was made whereby an individual developer or a group of property owners might, by giving up 10 per cent. additional of their space, be relieved from the yard and court requirements of the district in which they are located and follow the yard and court requirements of the next less restricted district instead. With the proviso that the 10 per cent. must equal at least 5,000 square feet, it is obvious that the plottage which could provide this space would have to be at least 50,000 square feet, or on an ordinary 200-foot block end it would have to run back 250 feet into the block. The 10 per cent. given

AREA "B" DISTRICTS INTERIOR LOTS

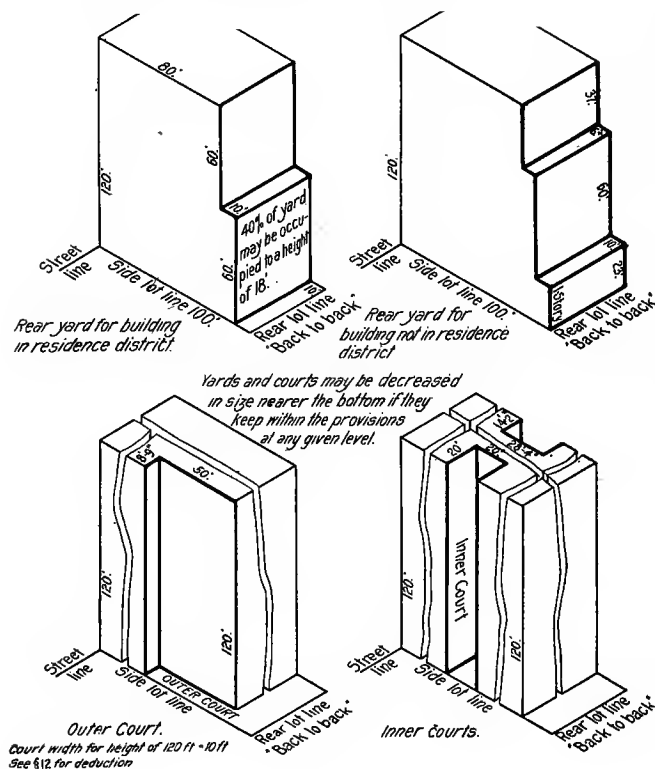


Figure 5

up for recreational use might be provided in the center of the block in addition to the required yard space, or it might be in any lot or lots running through to any bounding street, or it might be on an adjoining lot. Of course, this 10 per. cent. would have to be in addition to any yard and court provisions required in this resolution, and also in addition to the requirements of the Tenement House Law if they were greater than those in this resolution.

AREA 'C' DISTRICTS INTERIOR LOTS

Least horizontal dimensions of yards and courts where required are shown below

On lots 30 feet or less in width the court provisions for B districts may be followed.

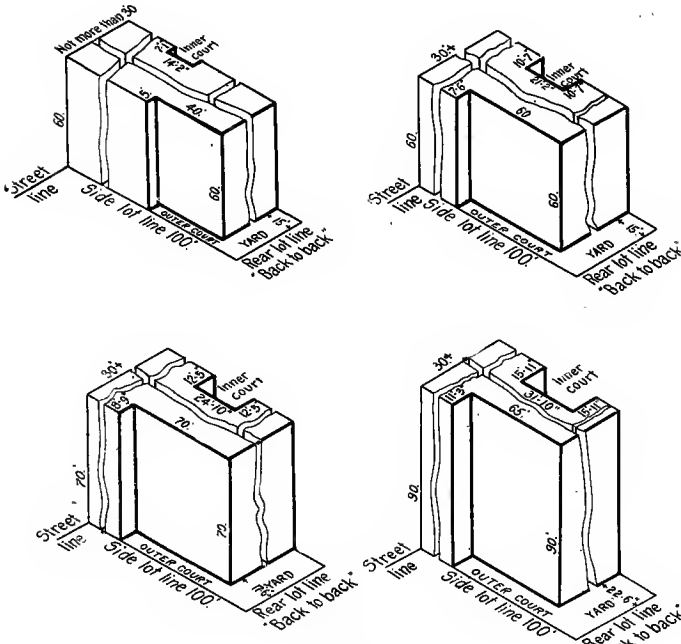


Figure 6

§ 14. D Districts. (a) In a D district a rear yard at any given height shall be at least four inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 10 per. cent. of the depth of the lot, but need not exceed 10 feet at such level. If a building in a D district is located in a residence district as designated on the use district map, the depth of a rear yard at its lowest level shall be at least 20 per. cent. of the depth of the lot, but need not exceed 20 feet at such level. However, for each one foot in excess of 10 feet of the depth of such rear yard at its lowest level, there may be substituted one foot of depth of unoccupied space across the whole width of the front of the lot at the curb level between the street line and the street wall of the building.

(b) In a D district an outer court or a side yard at any given height shall be at least two inches in least dimension for each one foot of such height. An outer court at any given point shall be at least two inches in least dimension for each one foot of length. On a lot not more than 30 feet in mean width an outer court or a side yard at any given height shall be not less than one and one-half inches in least dimension for each one foot of such height. On such lot an outer court at any given point shall be not less than one and one-half inches in least dimension for each one foot of length. On such lot an inner court at any given height shall be either (1) not less than three inches in least dimension for each one

foot of such height or (2) it shall be of an equivalent area as specified in paragraph c of section 17.

Note.—The D districts are intended primarily to preserve one- and two-family house districts, especially where houses occur in rows. They would not preclude tenement houses. They would, however, demand that the sizes of yards and courts should be almost double those required for buildings in the B districts. On a residence street a tenement or apartment house on an interior lot in a D district covering 60 per. cent. of its lot and four stories, or 44 feet in height, on a lot 100 feet deep would have a rear yard 20 feet deep; an outer court would have to be at least 7 feet 4 inches wide, and not over 44 feet long for such width. If the outer court were longer, the open end would have to be wider; an inner court of such a building could be 14 feet 8 inches square, or about 10½ by 21 feet, or anywhere between the two. Where a required depth of a rear yard at the curb level would be over 10 feet and the building sets back from the street line across the whole front of the lot at the curb level, the rear yard may be decreased in depth by one foot for every foot of setback in front, but the rear yard must not be reduced to less than 10 feet.

In the case of a building on a plot 30 feet or less in width, the sizes of outer courts and side yards and inner courts would be the same as required for buildings on plots over 30 feet wide in the C districts. In the case of a one- or two-family house, three stories, or approximately 34 feet in height, the rear yard would be 20 feet deep if on a residence street; an outer court would be 4 feet 3 inches wide, and a little less than 34 feet long without being wider at its open end. An inner court would have to be at least 8 feet 6 inches square, or about 6 by 12 feet, or anywhere in between.

AREA 'D' DISTRICTS INTERIOR LOTS

Least horizontal dimensions of yards and courts where required are shown below

On lots 30 feet or less in width the court provisions for C districts may be followed

Residence Districts

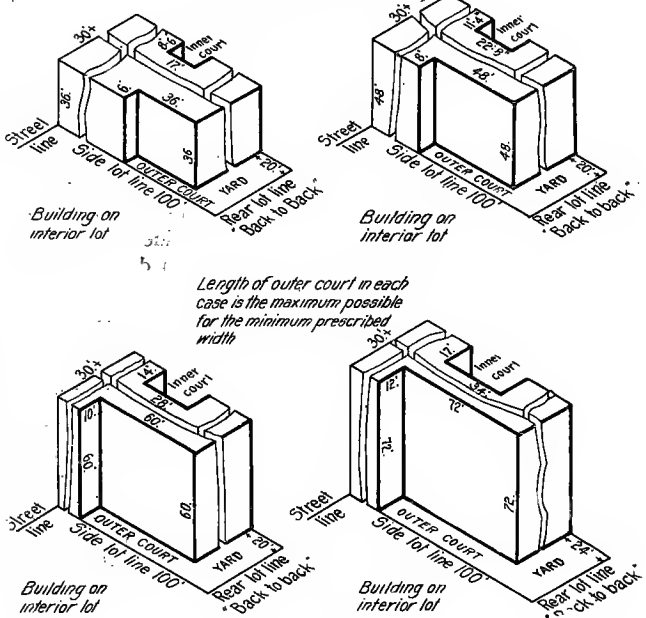


Figure 7

(c) In a D district no building located within a residence district as designated on the use district map shall occupy at the curb level more than 60 per. cent. of the area of the lot, if an interior lot, or 80 per. cent. if a corner lot. In computing such percentage any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.

Note.—No building within a residence district and within a D district could occupy more than 60 per. cent. of any interior lot. If the provision of the required yards and courts does not give 40 per. cent. of open space, then they should be increased in size and number until they

do. In a D district on a corner lot 100 by 100 feet, a building could occupy 80 per cent. of the 8,000 feet on the corner, and 60 per cent. of the remaining 2,000 square feet, or an average of 76 per cent. of the whole plot. If the actual lot on the corner contains less than 8,000 square feet, the adjoining lots, if not themselves a part of the corner plot, would be considered as strictly interior lots just the same.

(d) If the owner or owners of any part of a D district set aside perpetually for the joint recreational use of the residents of such part designated by them, an area at least equal to 10 per cent. of the area of such part in addition to all yard and court requirements for a C district, such part shall be subject to the regulations herein prescribed for a C district. Such joint recreational space shall be composed of one or more tracts, each of which shall be at least 40 feet in least dimension and 5,000 square feet in area and shall be approved by the Board of Appeals as suitable for the joint recreational use of such residents.

Note.—The note for section 13-b applies here as well.

§ 15. E Districts. (a) In an E district a rear yard at any given height shall be at least five inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 15 per cent. of the depth of the lot, but need not exceed 15 feet at such level. If a building in an E district is located in a residence district as designated on the use district map, the depth of a rear yard at its lowest level shall be at least 25 per cent. of the depth of the lot, but need not exceed 25 feet at such level. However, for each one foot in excess of 10 feet of the depth of such rear yard at its lowest level there may be substituted one foot of depth of unoccupied space across the whole width of the front of the lot at the curb level between the street line and the street wall of the building. In an E district on at least one side of every building located within a residence district there shall be a side yard along the side lot line for the full depth of the lot or back to the rear yard.

(b) In an E district an outer court or side yard at any given height shall be at least two and one-half inches in least dimension for each one foot of such height. On a lot not more than 50 feet in mean width an outer court or a side yard at any given height shall be at least two inches in least dimension for each one foot of such height. An outer court at any given point shall be at least two and one-half inches in least dimension for each one foot of length.

Note.—The E districts were intended primarily to provide detached and semi-detached house districts with light and air on all sides of the buildings. On a residence street a rear yard for such a house for lots 100 feet deep would be 25 feet deep at the ground story, except that garages and other outbuildings might occupy 40 per cent. of such rear yard area, and in an ordinary 2½-story house, approximately 25 feet high, an outer court or side yard would be at least 5 feet 2¼ inches wide. Such a side yard would be required only on one side of a house. However, if a lot is 50 feet or less in width, a side yard of this sort for a 2½-story house could be reduced to 4 feet 2 inches. The 50 per cent. allowance on the ground story would allow for one-story wings, bay windows, porches, etc. The provision allowing the occupancy of 40 per cent. of the area of the required rear yard space is not intended to be in addition to the general 50 per cent. allowance for the ground story; 50 per cent. net of the lot should be unoccupied from the ground up. In the case of a building not within a residence district on a 100-foot deep lot the rear yard would have to be only 15 feet deep, and no limitation is placed on the percentage of the lot which the building might cover. The court provisions, however, would remain the same. It would be possible to build an apartment house in an E district provided it conformed with these percentage and yard and court requirements. Where a required depth of a rear yard at the curb level would be over 10 feet and the building sets back from the street line across the whole front of the lot at the curb level, the rear yard might be decreased in depth by one foot for every foot of setback in front, but the rear yard should not be reduced to less than 10 feet.

AREA E DISTRICTS

The examples shown below are possible typical buildings

In a residence district every building shall have one side yard; buildings attached in rows are thereby prohibited

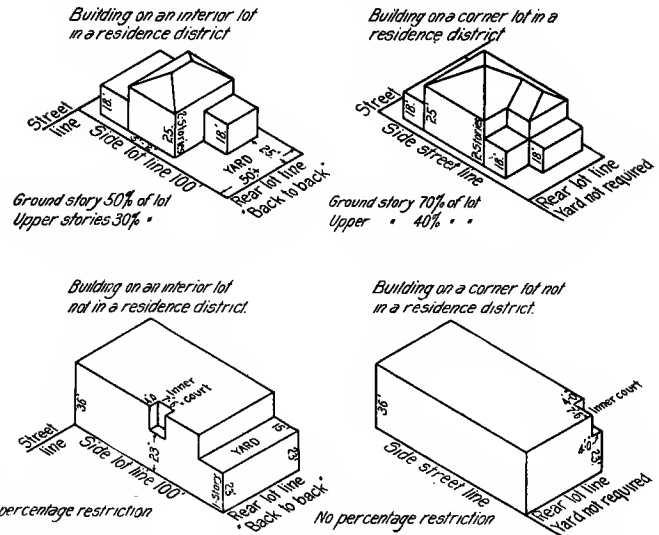


Figure 8

(c) In an E district no building located within a residence district as designated on the use district map shall occupy at the curb level more than 50 per cent. of the area of the lot, if an interior lot, or 70 per cent. if a corner lot, and above a level 18 feet above the curb no building shall occupy more than 30 per cent. of the area of the lot, if an interior lot, or 40 per cent. if a corner lot. In computing such percentage any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.

Note.—In most cases an E district house would be on a lot not less than 40 by 100 feet. On such a lot 30 per cent. of the lot area above the ground story would equal 1,200 square feet, giving a house 30 by 40 feet in size. On a lot 50 by 100 feet this would allow 1,500 square feet, giving a house 30 by 50 feet in size. The percentages specified in this section are intended to include all garages and other buildings, as well as porches, sheds, bay windows, balconies, etc. The occupancy of 40 per cent. of the rear yard is intended to allow flexibility in placing accessory buildings without increasing these percentages.

§ 16. Rear Yards. (a) Except in A districts, for lots or portions of lots that are back to back there shall be rear yards extending along the rear lot lines of such lots or portions of lots wherever they are more than 55 feet back from the nearest street. Such rear yard shall be at least of the area and dimensions herein prescribed for the area district in which it is located at every point along such rear lot line. Within 55 feet of the nearest street no rear yards shall be required. No rear yard shall be required on any corner lot nor on the portion of any lot that is back to back with a corner lot.

Note.—In this rule it is assumed that within 55 feet of a street a building can be lighted directly from the street. If a block is 110 feet deep through from street to street under ordinary conditions, it would hardly be necessary or practicable to demand rear yards; but when blocks become deeper than that rear yards become more and more necessary. On a lot 60 feet deep a rear yard would be five feet deep; on a lot 65 feet deep in a B or C district, for example, a rear yard would be 6 feet 6 inches deep; on a lot 80 feet deep, under similar conditions, a rear yard would be 8 feet deep, and so on. If a block were 200 feet through from street to street, and two lots were back to back with one another, one of them 50 feet deep, and the other 150 feet deep, no rear yards would be required for either building except that the building on the lot 150 feet deep would have to conform to paragraph d of this same section. No rear yard would be required on a corner lot regardless of its size.

REAR YARDS.

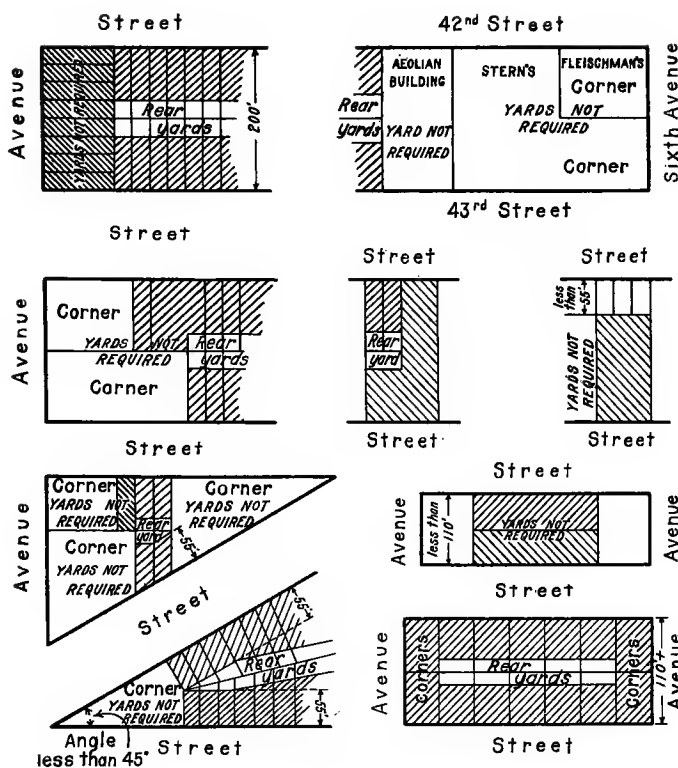


Figure 9

(b) Where a building is not within a residence district as designated on the use district map, the lowest level of a rear yard shall not be above the sill level of the second story windows, nor in any case more than 23 feet above the curb level. Where a building is within a residence district the lowest level of a rear yard shall not be above the curb level, except that not more than 40 per cent. of the area of the yard may be occupied by the building up to a level 18 feet above the curb level. In the case of a church, whether within or without a residence district, such 40 per cent. may be occupied up to a level of 30 feet above the curb level.

Note.—The statement that the rear yard need not exceed 10 feet at the base, means that the depth of 10 feet at the base required on a lot 100 feet in depth need not be exceeded in lots of greater depth. In any building which occurs in a residence district, even though it be a church, a club or a school, a required rear yard would have to run down to the ground, except that garages and other outbuildings may occupy 40 per cent. of the required rear yard space; but they must not be over one story high. In D and E districts it is intended that this 40 per cent. should not be in addition to the general maximum percentages allowed. However, an exception would be allowed for the apse or choir of a church, which would allow it to occupy 40 per cent. of the rear yard up to a height of 30 feet above the curb level.

(c) Chimneys or flues may be erected within a rear yard provided they do not exceed five square feet in area in the aggregate and do not obstruct ventilation.

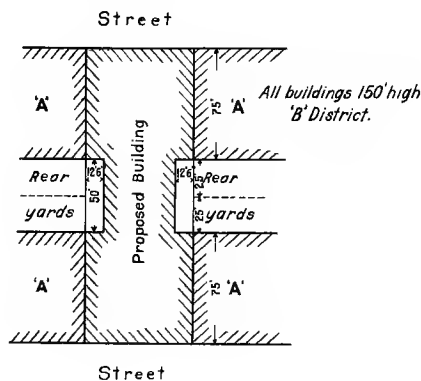
Note.—It is most important that flues and stacks be located in rear yards only, and there only where they will do the least harm. In no case should such stack exceed five square feet in area.

(d) Except in A districts, where a building on an interior lot, between lots for which rear yards are required, runs through the block from street to street or to within 55 feet of another street, there shall be on each side lot line above the sill level of the second story windows and in any case above a level 23 feet above the curb level, a court of at least equiv-

alent area at any given height to that required for an inner court at such height and having a least dimension not less than that required for an outer court at the same height.

Note.—Under the Tenement House Law a building over 70 feet deep, which runs through the block, or from street to street, not on a corner, has to be built around a rear yard, and thus the building is divided into two entirely separate units. In many non-residential buildings this is impracticable, and therefore it is suggested that if a building runs through the block from street to street it should contribute to the common light and air of the common rear yard spaces in the center of the block, by giving up on each side an unoccupied space above the ground story equal, at least, to an inner court in area, but differing from an inner court in that the least dimension need be no greater than that required for an outer court. If, however, this court is necessary for light and air under 17-a, it should be at least of the dimensions required for inner courts.

LOTS RUNNING THROUGH FROM STREET TO STREET.



Buildings marked 'A' are interior buildings, each back to back with another building, and therefore require rear yards 25' wide. The inner courts in the building running through from street to street are each the area of an inner court (25' x 25' = 625 sqft) and the width of an outer court (150 inches or 12' 6"). Same courts are required for a similar building running through from one street to within 55 feet of another street

Figure 10

(e) When a proposed building is on a lot which is back to back with a lot or lots on which there is a building or buildings having rear yards less in depth than would be required under this article, the depth of the rear yard of the proposed building shall not be required to be greater at any given level than the average depth of the rear yards directly back to back with it at such level, but in no case shall the depth of such rear yard be less at any height than the least dimension prescribed for an outer court at such height.

Note.—In various instances, particularly in Manhattan, existing lofts, warehouses, and even office buildings, have been erected, sometimes to 12 stories or more in height, with rear yards considerably less in depth than would be required under this resolution. In fairness to a person who would erect a new building back to back with such buildings, this section would permit him to make his rear yard about the same as the average of his back to back neighbors' yards. In determining such an average of back to back yards, a rear yard as large or greater than that required under this resolution would be reckoned as though it were of the size here required. Above the top of an existing building its rear yard would be reckoned as though it were of the required size. In a building 150 feet high in a B district, the minimum size of such a rear yard at the top must be in any case at least 12 feet 6 inches in least dimension at the top, which is the minimum width of an outer court at such level.

§ 17. Courts. (a) If a room in which persons live, sleep, work or congregate receives its light and air in whole or in part directly from an open space on the same lot with the building, there shall be at least one inner court, outer court, side yard or rear yard upon which a window or ventilating

skylight opens from such room. Such inner court, outer court or side yard shall be at least of the area and dimensions herein prescribed for the area district in which it is located. Such rear yard shall be at least of the area and dimensions herein prescribed for an inner court in the area district in which it is located. In an A district, such inner court, outer court, side yard or rear yard shall be at least of the area and dimensions herein prescribed for a court in such district. The unoccupied space within the lot in front of every part of such window shall be not less than three feet, measured at right angles thereto. Courts, yards and other open spaces, if provided in addition to those required by this section, need not be of the area and dimensions herein prescribed. The provisions of this section shall not be deemed to apply to courts or shafts for bathrooms, toilet compartments, hallways or stairways.

Note.—A room which receives its necessary light and ventilation from the street, and also from a court or yard, would have to have one of its court or yard windows open on a court or yard of the prescribed size, according to this law. Any room which was lighted or ventilated entirely from yards or courts would have to open on at least one of them of the prescribed size. No outer court, inner court or side yard on the lot line should in any way be reduced on account of existing courts or yards on neighboring property, because there is no guarantee of the permanency of such neighboring yards or courts, and therefore it is important that yards and courts should be sufficient to take care of their own lots without being dependent on their neighbors. In no case should the open space within the lot in front of any part of any window required to open on a legal sized court or yard be less than three feet. Extra yards, courts, shafts or open spaces not required by this law would not need to be governed by the provisions of this law.

(b) The least dimension of an outer court, inner court or side yard at its lowest level shall be not less than four feet, except that where the walls bounding a side yard within the lot are not more than 25 feet in mean height and not more than 40 feet in length, such least dimension, except in an E district, may be not less than three feet. Where any outer court opens on a street such street may be considered as part of such court.

Note.—The least dimension of no court or yard should be less than four feet at any level; but two-story buildings not over 25 feet high above the curb level might have three-foot side yards, not over 40 feet long, without widening out on at least one end. An outer court opening on a street might include part of the street within its required dimensions.

(c) The least dimension of an inner court at any given height shall be not less than that which would be required in inches for each one foot of height for a rear yard of the same height, except that an inner court of equivalent area may be substituted for said court, provided that for such area its least dimension be not less than one-half of its greatest dimension. If an inner court is connected with a street by a side yard for each one foot that such side yard is less than 65 feet in depth from the street, one square foot may be deducted from the required area of the inner court for each 15 feet of height of such court. If the lot is not required under this resolution to have a rear yard, an outer court, not opening on a street, shall open at any level on an inner court on the rear line of the lot and such inner court shall be deemed a rear yard in such case.

Note.—In general, the area of inner courts should be equal to the square of the least dimension of a required rear yard at the same distance above its lowest level. It would be the square of the least dimension in inches per foot of height above the bottom of the court, and not the square of the minimum depth of the rear yard as specified in terms of its ratio to the depth of the lot. This would mean that in B districts, with a building 150 feet high, the depth of a rear yard would be 25 feet, and the area of an inner court, would be 25 by 25 feet, or 625 square feet; but such an inner court would not have to be square, it might be any shape, provided that it was not more than twice as long as it was wide for such 625 square feet. After the first 625 square feet were satisfied, however, any additions might be made to the court as seemed desirable, provided such additions conformed to the rules for

outer courts or side yards or offsets, as the case might be. A possible equivalent of a court 25 feet square would be one a little over 18 by 36 feet. In a corner apartment house 150 feet high, a rear inner court connecting with the street by a 10-foot side yard 50 feet long, would have to contain 625 square feet; but as the side yard is here, 15 feet less than 65 feet long, 15 square feet for every 15 feet of height might be deducted therefrom. This, for a 150-foot building, would equal 15 by 10 feet, or 150 square feet, which deducted from 625 would leave 475 square feet as the required area of the inner court on the lot line. That would bring it down to 15½ by 31, as compared with 16 by 32, as required at the same height for inner courts on the lot line under the Tenement House Law.

§ 18. **Area District Exceptions.** (a) The area required in a court or yard at any given level shall be open from such level to the sky unobstructed, except for the ordinary projections of skylights and parapets above the bottom of such court or yard, and except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four inches. However, where a side yard or an outer court opens on a street a cornice may project not over five feet into such side yard or outer court within five feet of the street wall of the building.

Note.—The provisions for skylights and projections beyond the walls of yards and courts would follow the Building Code. A special exception within five feet back from a street wall is made so as to allow cornices or eaves to retain their full width for architectural fitness.

(b) An open or lattice enclosed iron fire escape, fireproof outside stairway or solid-floored balcony to a fire tower may project not more than four feet into a rear yard or an inner court, except that an open or lattice enclosed iron fire escape may project not more than eight feet into a rear yard or into an inner court when it does not occupy more than 20 per cent. of the area of such inner court.

Note.—The provisions with regard to fire-escapes, fireproof outside stairways, and solid-floored balconies to fire towers follow in general the rulings of the Tenement House Department. As it is not desirable that fire-escapes, etc., should project four feet into an outer court, no allowance for the same is made. In a rear yard, however, the requirements of other laws as to lattice enclosed fire-escapes demand a projection of at least 7 feet 8 inches. Therefore 8 feet 6 inches was allowed. If cornices, etc., project more than four inches, courts and yards should be correspondingly wider than otherwise necessary.

(c) A corner of a court or yard may be cut off between walls of the same building provided that the length of the wall of such cut-off does not exceed seven feet.

Note.—A court corner might be cut off at an angle of 45 degrees, for example, and the length of the cut-off might be as long as seven feet, in conformity with the practice under the Tenement House Law. This would not affect the size of yards and courts, but would affect the percentage of the lot that might be occupied.

(d) An offset to a court or yard may be considered as a part of such court or yard provided that it is no deeper in any part than it is wide on the open side and that such open side be in no case less than six feet wide.

Note.—The requirement for offsets in yards or courts is intended to be virtually the same as it is in the Tenement House Law. Offsets could be shallower than they are wide, but not deeper. It is not intended, however, that this clause shall be used to increase the length of outer courts.

(e) If a building is erected on the same lot with another building the several buildings shall, for the purposes of this article, be considered as a single building. Any structure, whether independent of or attached to a building, shall for the purposes of this article be deemed a building or a part of a building.

Note.—It is the intent of this section that all structures placed on one plot that are in any way related to one another shall be considered as parts of one building in determining the sizes of common yards and courts. Where additions are made to an existing plan, even though

they may be on separate lots, adjacent on either side or to the rear, it is highly desirable that the whole plot should be considered as a unit in reckoning the distribution and sizes of yard and court spaces. A parapet, pent house, stair or elevator headhouse, a tower, a tank, an advertising sign, etc., would be deemed to be a part of the building in applying the height provisions.

(f) If an additional story or stories are added to a building existing at the time of the passage of this resolution, the courts and yards of which do not conform to the requirements of this article, the least dimensions of yards and courts shall be increased from the top of the existing yard or court walls, as though they were of the prescribed dimensions at such heights and the carrying up of existing elevator and stair enclosures shall be exempted from the provisions of this article.

Note.—If, in a B district, an existing building 150 feet high had a rear yard only 15 feet wide, instead of 25 feet, as herein required, the first additional 12-foot story would not have to set back 27 feet from the rear line, but only 17 feet, and in the case of a stair or elevator, the rear wall could go up straight on the existing rear wall.

ARTICLE V.—GENERAL AND ADMINISTRATIVE

§ 19. Interpretation; Purpose. In interpreting and applying the provisions of this resolution, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this resolution to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this resolution imposes greater restrictions upon the use of buildings or premises or upon height of buildings or requires larger yards, courts or other open spaces than are imposed or required by such existing provision of law or ordinance or by such rules, regulations, or permits or by such easements, covenants or agreements, the provisions of this resolution shall control.

§ 20. Rules and Regulations; Modifications of Provisions. The Board of Standards and Appeals, created by chapter 503 of the laws of 1916, shall adopt from time to time such rules and regulations as they may deem necessary to carry into effect the provisions of this resolution. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this resolution the Board of Appeals shall have power in a specific case to vary any such provision in harmony with its general purpose and intent, so that the public health, safety and general welfare may be secured and substantial justice done. Where the street layout actually on the ground varies from the street layout as shown on the use, height or area district map, the designation shown on the mapped street shall be applied by the Board of Appeals to the unmapped streets in such a way as to carry out the intent and purpose of the plan for the particular section in question. Before taking any action authorized in this section the Board of Appeals shall give public notice and hearing.

Note.—It is obvious that an ordinance such as this cannot be framed so as to fit exactly every specific case that may arise. The Board of Appeals would interpret and apply the law in such cases, but only after due public notice and hearing. There are many cases in the five boroughs where the mapped streets do not follow those on the ground. The districting plans necessarily had to be shown on an official map. Eventually the streets on the ground would be changed to conform with the map or vice versa. In the meantime the Board of Appeals would interpret the maps so as to apply their intent to the streets on the ground.

It seems desirable for the future, whenever the Board of Estimate is considering a topographical map change that will affect the districting maps, that it hold a hearing on both changes at the same time.

§ 21. Unlawful Use; Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or premises or part thereof, hereafter created, erected, changed or converted wholly or partly in its use or structure, until a certificate of occupancy, to the effect that the building or premises or the part thereof so created, erected, changed or converted, and the proposed use thereof, conform to the provisions of this resolution, shall have been issued by the superintendent of buildings of the borough in which such building or premises is located; or, in the case of a tenement house as defined in the Tenement House Law, by the tenement house commissioner. In the case of such buildings or premises it shall be the duty of the superintendent of buildings or the tenement house commissioner, as the case may be, to issue a certificate of occupancy within ten days after a request for the same shall be filed in his office by any owner of a building or premises affected by this resolution, provided said building or premises, or the part thereof so created, erected, changed or converted, and the proposed use thereof, conform with all the requirements herein set forth. Under rules and regulations of the Board of Standards and Appeals a temporary certificate of occupancy for a part of a building may be issued by the superintendent of buildings or the tenement house commissioner as the case may be. Upon written request from the owner, the superintendent of buildings or the tenement house commissioner, as the case may be, shall issue a certificate of occupancy for any building or premises existing at the time of the passage of this resolution certifying after inspection the use of the building or premises and whether such use conforms to the provisions of this resolution.

Note.—This certificate of occupancy is in line with that required under the Building Code, but for the purposes of this resolution, in particular the enforcement of the "use district" regulations, it is most important that the certificate be based on the use definitions and classification of this resolution. It is provided also that a certificate of occupancy can be issued for part of a building, but such certificate could only be temporary. It is also provided that anyone can secure at any time a certificate of occupancy for an existing building.

§ 22. Enforcement, Legal Procedure, Penalties. This resolution shall be enforced by the tenement house commissioner, the fire commissioner and by the superintendent of buildings in each borough under the rules and regulations of the Board of Standards and Appeals. The tenement house commissioner shall enforce the provisions herein contained in so far as they affect or relate to tenement houses as defined by the Tenement House Law. The superintendent of buildings shall in each borough enforce the provisions herein contained in so far as they relate to buildings or premises other than tenement houses. The fire commissioner shall enforce the provisions herein contained in so far as they relate to the use of completed buildings or premises, or part thereof, other than tenement houses. For any and every violation of the provisions of this resolution or of the rules and regulations adopted thereunder, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be liable to the same legal procedure and the same penalties as are prescribed in any law, statute or

ordinance for violations of the Building Code, and for such violations the same legal remedies shall be had and they shall be presented in the same manner as prescribed in any law or ordinance in the case of violations of said Building Code.

Note.—The building superintendents, the fire commissioner and the tenement house commissioner, each would enforce that which is assigned to his jurisdiction under the law. The fire commissioner, under his "housekeeping" functions, would enforce the "use" provisions after the completion of the building. The tenement house commissioner would enforce everything that had to do with tenement houses. An amendment to the Tenement House Law, which went into effect in April, 1916, reads as follows: "Wherever the provisions of any local ordinance or regulation impose requirements for lower height of building or a less percentage of lot that may be occupied, or require wider or larger courts or deeper yards, the provisions of such local ordinance or regulation shall govern. Where, however, the provisions of this chapter impose requirements for lower height of building or a less percentage of the lot that may be occupied or require wider or larger courts or deeper yards, than are required by such local ordinance or regulation, the provisions of this chapter shall govern." All other matters, including the withholding of building permits or certificates of occupancy, would be under the building superintendents, subject to the control of the Board of Standards and Appeals and the Board of Appeals.

§ 23. Amendments, Alterations and Changes in District Lines. The Board of Estimate and Apportionment may from time to time on its own motion or on petition, after public notice and hearing, amend, supplement or change the regulations and districts herein established. Whenever the owners of 50 per cent. or more of the frontage in any district or part thereof shall present a petition duly signed and acknowledged to the Board of Estimate and Apportionment requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the Board to vote upon said petition within 90 days after the filing of the same by the petitioners with the secretary of the Board. If, however, a protest against such amendment, supplement or change be presented, duly signed and acknowledged by the owners of 20 per cent. or more of any frontage proposed to be altered, or by the owners of 20 per cent. of the frontage immediately in the rear thereof, or by the owners of 20 per cent. of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the unanimous vote of the Board. If any area is hereafter transferred to another district by a change in district boundaries by an amendment, as above provided, the provisions of this resolution in regard to buildings or premises existing at the time of the passage of this resolution shall apply to buildings or premises existing at the time of passage of such amendment in such transferred area.

Note.—This is intended as a ready method of changing an individual block front or a small district from business to residence or vice versa, or for the creation of new E districts. However, it is realized that in any case districting must be stable, otherwise a man will never know what to count on, and thus will be as badly off as with no districting; therefore it is provided that if one-fifth of the owners affected object to a change, the Board of Estimate can make the change only by unanimous vote. This method would make for stability.

§ 24. Completion and Restoration of Existing Buildings.

(a) Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, or plans for which are on file with the building superintendent or with the tenement house department at the time of the passage of this resolution, and a permit for the erection of which is issued within three months of the passage of this resolution and the construction of which, in either case, shall have been diligently prosecuted within a year of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within such year, and which entire building shall be completed according to such

plans as filed within five years from the date of the passage of this resolution.

(b) Nothing in this resolution shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God, or act of the public enemy or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof or prevent a change of such existing use under the limitations provided in section 6. Nothing in this resolution shall prevent the restoration of a wall declared unsafe by the superintendent of buildings or by a board of survey.

Note.—This resolution would not affect any building the plans for which have been filed at the time of passage of this resolution. However, if a building is torn down it could be rebuilt only under the terms of this resolution, except where it was destroyed by fire or act of God, and except where allowed under section 6. Once a required yard or court space for a given building has been determined, such space cannot be sold, but must remain inalienably dedicated to the exclusive use of the building it was set apart for. Where within a year after the passage of this resolution and the issuing of a permit, a building has been completely framed up as far as the second story at least, and plans had been filed previous to the passing of this resolution for a building over it which would be beyond anything herein permitted, five years would be allowed for its final completion; but after five years nothing further on the plans could be built except in accordance with this resolution.

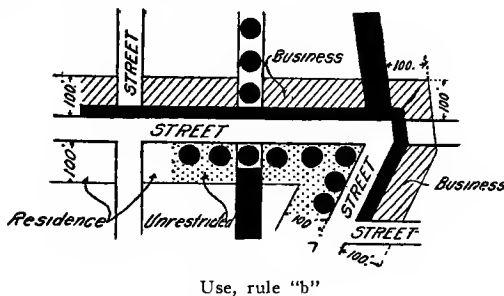
§ 25. When Effective. This resolution shall take effect immediately.

MAP DESIGNATIONS AND MAP DESIGNATION RULES

USE DISTRICT MAP DESIGNATION RULES

(a) The use district designated within a street shall include the areas adjoining the portion of the street so designated on each side of such street, between such street and lines parallel to and 100 feet distant measured at right angles from each side of such street and limited at either end by lines at right angles to such street at the termination of such designation; except that where there is a cross street on either side at such termination, such limiting line shall follow the center line of such cross street.

(b) The use district designated on the side of a street shall include the area on such side of the street adjoining the portion thereof so designated between such side of such street and lines parallel thereto and 100 feet distant therefrom, measured at right angles thereto, and limited at either end by lines at right angles to such designated side of such street at the termination of such designation; except that where there is a cross street at such termination the limiting line shall follow the center line of such cross street.

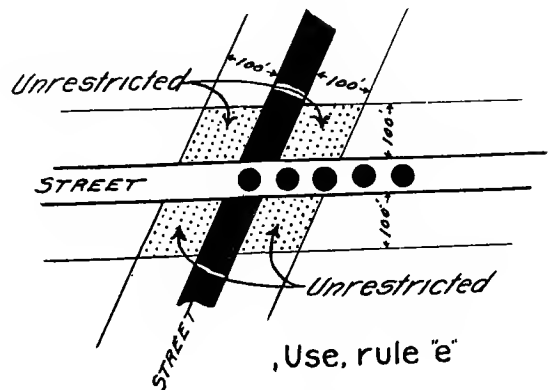


(c) The use district designated on the side of bulkhead lines, shore lines, boundary lines of a state, city, county, borough, United States reservation, public park or cemetery, shall include the area on the side of such lines so designated and adjoining the portion thereof so designated between such lines and lines parallel thereto and 100 feet distant therefrom, measured at right angles thereto, and limited at either end by lines at right angles to such lines so designated at the termination of such designation; except that where there is a cross street at such termination the limiting line shall follow the center line of such street.

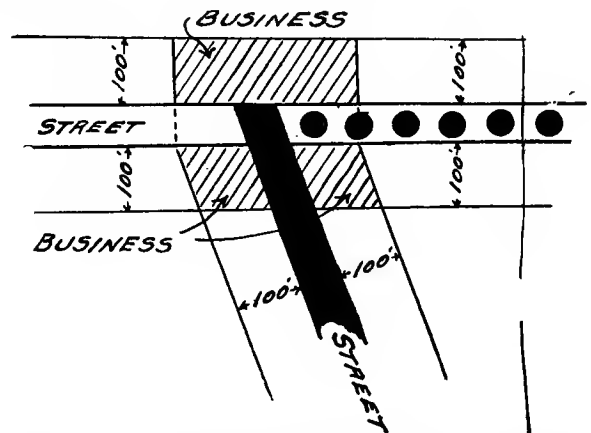
(d) The use district designated on the side of a railroad shall include the area on such side of the right of way of such railroad adjoining the portion so designated between such side of such right of way and lines parallel thereto and 100 feet distant therefrom, measured at right angles thereto, and limited at either end by lines at right angles to such side of such right of way at the termination of such designation; except that where there is a cross street at such termination the limiting line shall follow the center line of such street.

(e) Where a single use district designation is shown within the intersection of two or more streets the district so designated shall include the areas between the sides of such intersecting streets and lines parallel to and 100 feet distant from the sides of each of any two intersecting streets, measured at right angles thereto.

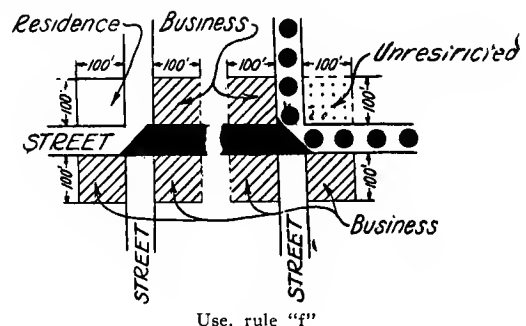
(e) (Continued) When, however, none of the intersecting streets continue across the intersection beyond one of said intersecting streets, the district designated in the intersection



shall include the area adjoining the intersection of the uncrossed side of the latter street bounded by such side of such latter street and a line parallel thereto and 100 feet distant therefrom, measured at right angles thereto and by lines at right angles to the crossed side of such latter street at the corner farthest from the intersection of the areas at the street front on the crossed side which are governed by the above rule. Rule (e) shall control regardless of any designation within any of the intersecting streets; except that a designation on the side of a street shall control as provided in rule (b).



(f) Where one use district designation is shown in one part of a street intersection and another designation is shown in another part, each designation in the intersection shall govern as provided in rule (e), but only within those blocks actually touched by such designation in the intersection.

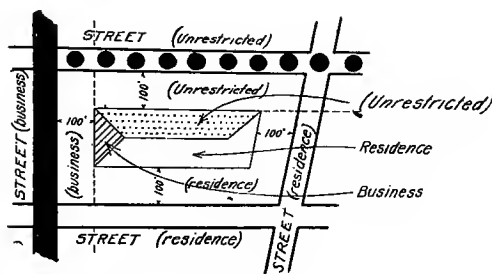


(g) Where two streets cross each other at different levels and the use district designations within the two streets are different, the designation in the lower street shall govern the use of the adjoining areas according to rule (a), but if such use is less restrictive than that designated within the street at the upper level, the designation in the latter shall govern exclusively above the curb level of the upper street, as provided in rule (a).

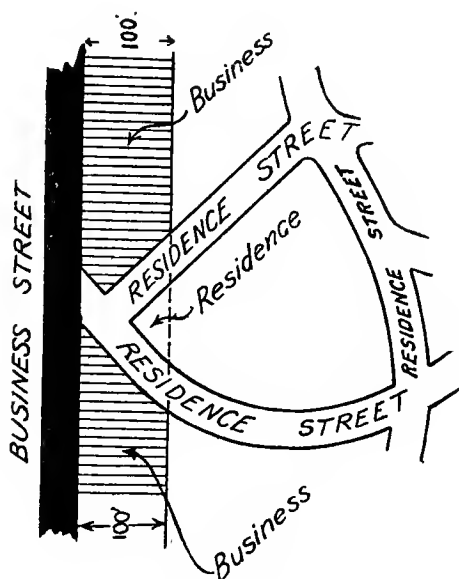
(h) A single use district designation completely surrounding an area shall govern the use of such area, except where such area or a part thereof is otherwise specifically indicated.

(i) An island not otherwise designated is an undetermined area.

(j) The use of any part of an area bounded by two or more district designations, or any area or part thereof not governed by express provision of these rules, shall be governed by the district designation nearest thereto, except where otherwise specifically indicated.



(k) Where under the preceding rules a use district of one class would overlap a use district of another class, the area that would be common to both districts under the above rules shall be included in the district having the less restrictive regulations, but the area so included shall not extend across a street within which a more restrictive district designation is shown.



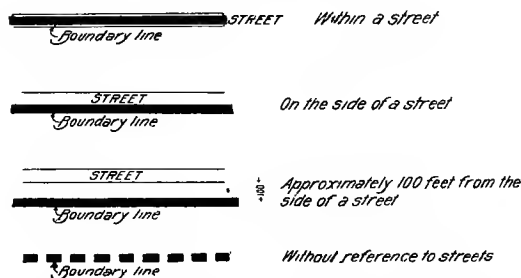
Use, rule "k"

(l) The residence district designation is used within street lines only. A street shown by double, light, short dash lines shall not be regarded as containing a residence district designation. Street lines with blank space within them do not constitute a residence district designation when located within an undetermined area. A blank space occupying the whole or a part of a street intersection shall be considered a residence district designation only when it is a continuation of a residence district designation shown within a street entering such intersection, and only when no unrestricted district designation therein is a continuation of an unrestricted district designation shown within a street entering such intersection.

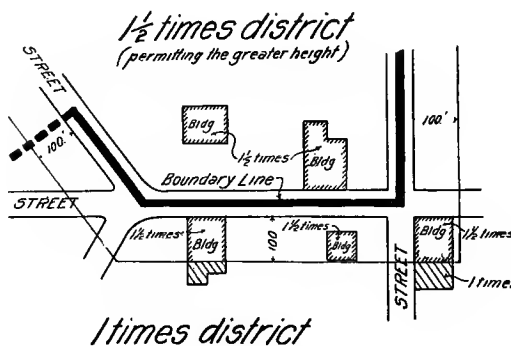
HEIGHT DISTRICT MAP DESIGNATION RULES

(a) An area surrounded by a district boundary line shall be in the height district designated therein, except as otherwise provided by these rules.

HEIGHT DISTRICT BOUNDARY LINES

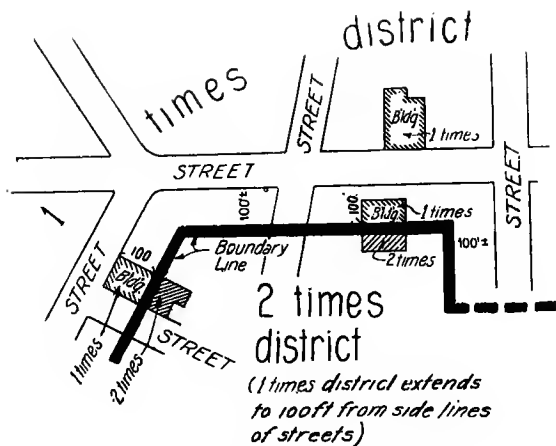


(b) Where a district boundary line between any two height districts is shown within a street or streets, the district permitting the greater height shall extend across such street or streets so as to include the area between the further side of such street or streets and lines parallel thereto and 100 feet distant therefrom, measured at right angles thereto. But such extended area of such district shall be limited where such boundary line passes from within a street to outside a street by the center line of the cross street when such change takes place in a cross street, otherwise by a line at right angles to the side of such street with boundary line therein at point of change.



Height, rule "b"

(c) Where a district boundary line between any two height districts is shown approximately 100 feet from the side of a street or streets and parallel thereto, such boundary line separating the two districts shall be deemed to be 100 feet distant measured at right angles from such side of such street or streets and parallel thereto.

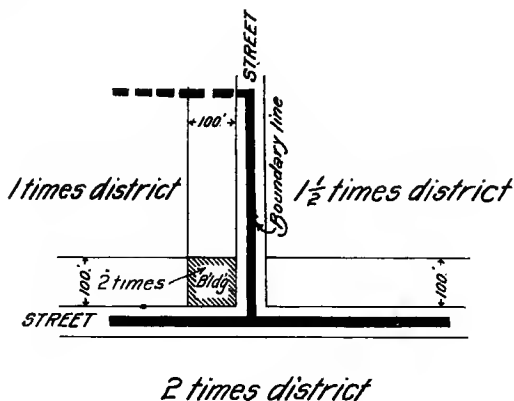


Height, rule "c"

(d) Where a district boundary line between any two height districts is shown along a railroad such boundary line shall be deemed to be the center line of the right of way of such railroad.

(e) Any island not otherwise designated within the limits of the City of New York shall be deemed to be in a $1\frac{1}{2}$ times height district.

(f) Where under the preceding rules a height district of one class would overlap a height district of another class, the area that would be common to both districts under the above rules shall be included in the district permitting the greater height.



Height, rule "b"

AREA DISTRICT MAP DESIGNATION RULES

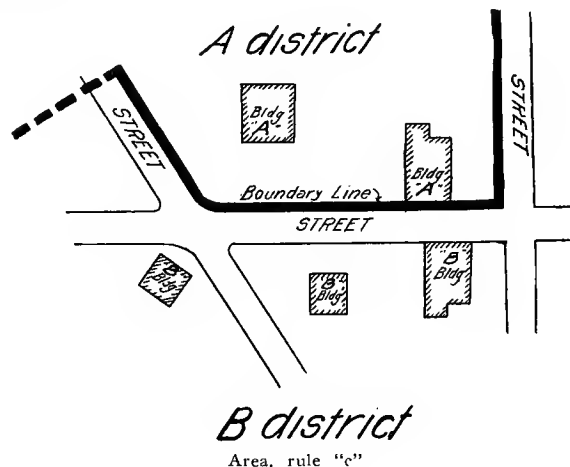
NOTE: Area district boundary lines are indicated in the same way as those for height.

(a) An area surrounded by a district boundary line shall be in the area district designated therein, except as otherwise provided by these rules.

(b) Where a district boundary line between any two area districts is shown within a street or streets, the district having the less restrictive regulations shall extend across such street or streets so as to include the area between the further side of such street or streets and lines parallel thereto and 100 feet distant therefrom measured at right angles thereto. But such extended area of such district shall be limited where such boundary line passes from within a street to outside a street by the center line of the cross street when such change takes place in a cross street, otherwise by a line at right angles to

the side of such street with boundary line therein at point of change. (Figure similar to that for height rule (b)).

(c) Where a district boundary line between any two area districts is shown on the side of a street, such side of such street shall be deemed the boundary line separating the two districts.

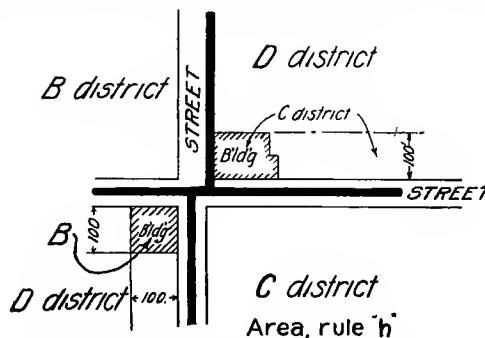


Area, rule "c"

(d) Where a district boundary line between any two area districts is shown approximately 100 feet from the side of a street or streets and parallel thereto, such boundary line separating the two districts shall be deemed to be 100 feet distant measured at right angles from such side of such street or streets and parallel thereto.

(e) Where a district boundary line between any two area districts is shown along the side of a railroad, such side of the right of way of such railroad shall be deemed to be the boundary line separating the two districts.

(f) Where a district boundary line between any two area districts is shown and dimensions given locating it from recognized lines or points, the area designations on either side shall govern up to the district boundary as thus located.



Area, rule "h"

(g) Any island and any area on which buildings may be constructed in navigable waters outside shore or bulkhead lines within the limits of the City of New York which is not otherwise designated shall be deemed to be an A district. Any other undesignated area shall be deemed to be in the district nearest thereto.

(h) Where under the preceding rules an area district of one class would overlap an area district of another class, the area that would be common to both districts under the above rules shall be included in the district having the less restrictive regulations.

HARRY A. KAHLER, President

GEORGE ZABRISKIE, CYRIL H. BURDETT, HENRY S. ACKEN, GERHARD KUEHNE, Secretary	} Vice Presidents	JOSEPH L. OBERMAYER, Asst. Treas. HUBERT F. BREITWIESER, OLIVER E. YALE, NELSON A. MERSEREAU,	} Assistant Secretaries
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MORGAN J. O'BRIEN, Counsel

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

Map of Borough of Manhattan

SHOWING

USE, HEIGHT AND AREA DISTRICTS

Explanatory Notes

USE DISTRICTS

Blocks in RESIDENCE Districts shown by light black lines, thus: 
Blocks in BUSINESS Districts shown by heavy black lines, thus: 
Blocks in UNRESTRICTED Districts shown by heavy black dots, thus:

HEIGHT DISTRICTS

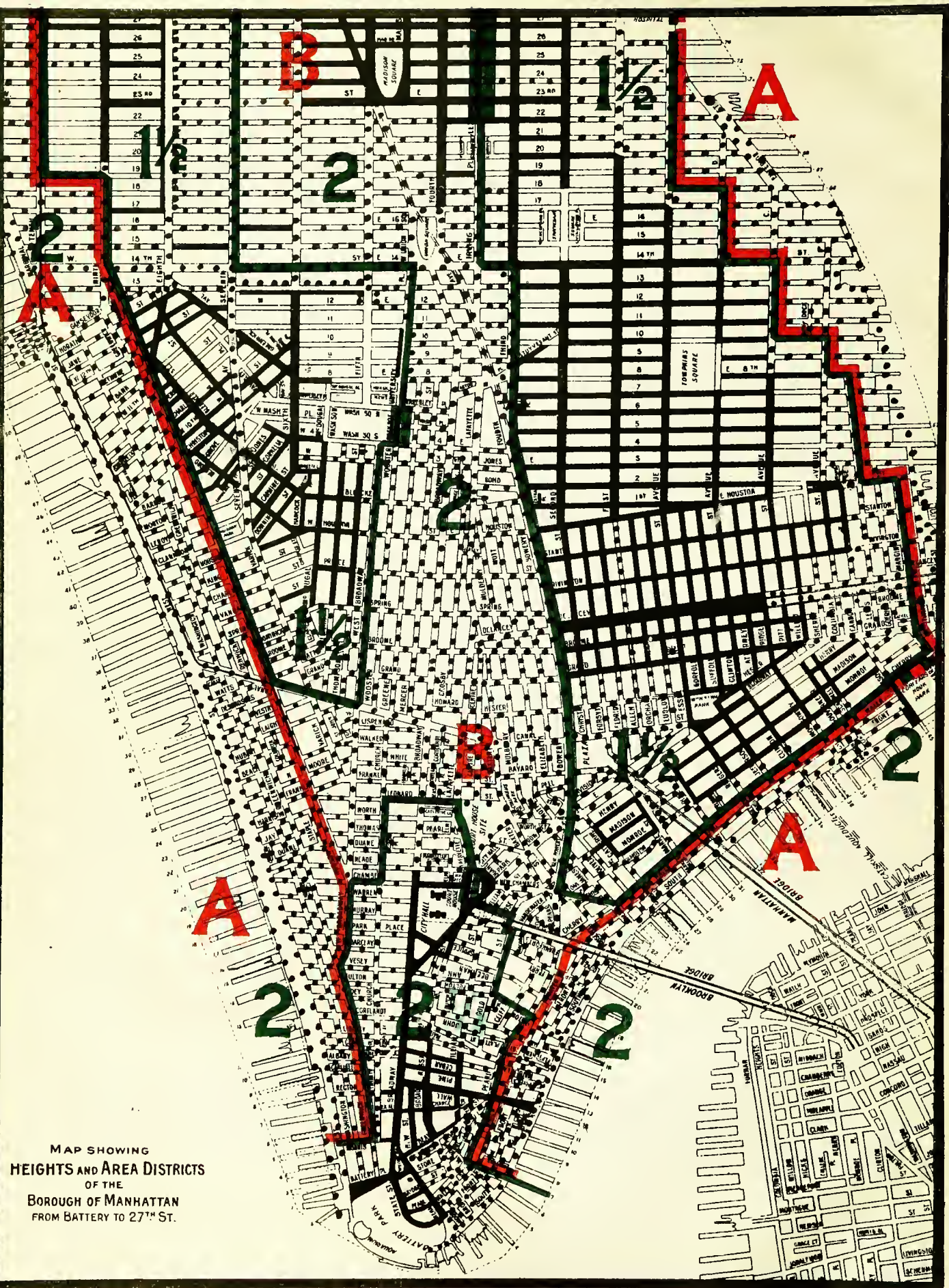
Boundary lines shown by green lines. Height Districts are shown by green numerals, indicating the height to which a building may be erected, gauged by the width of the street on which it fronts.

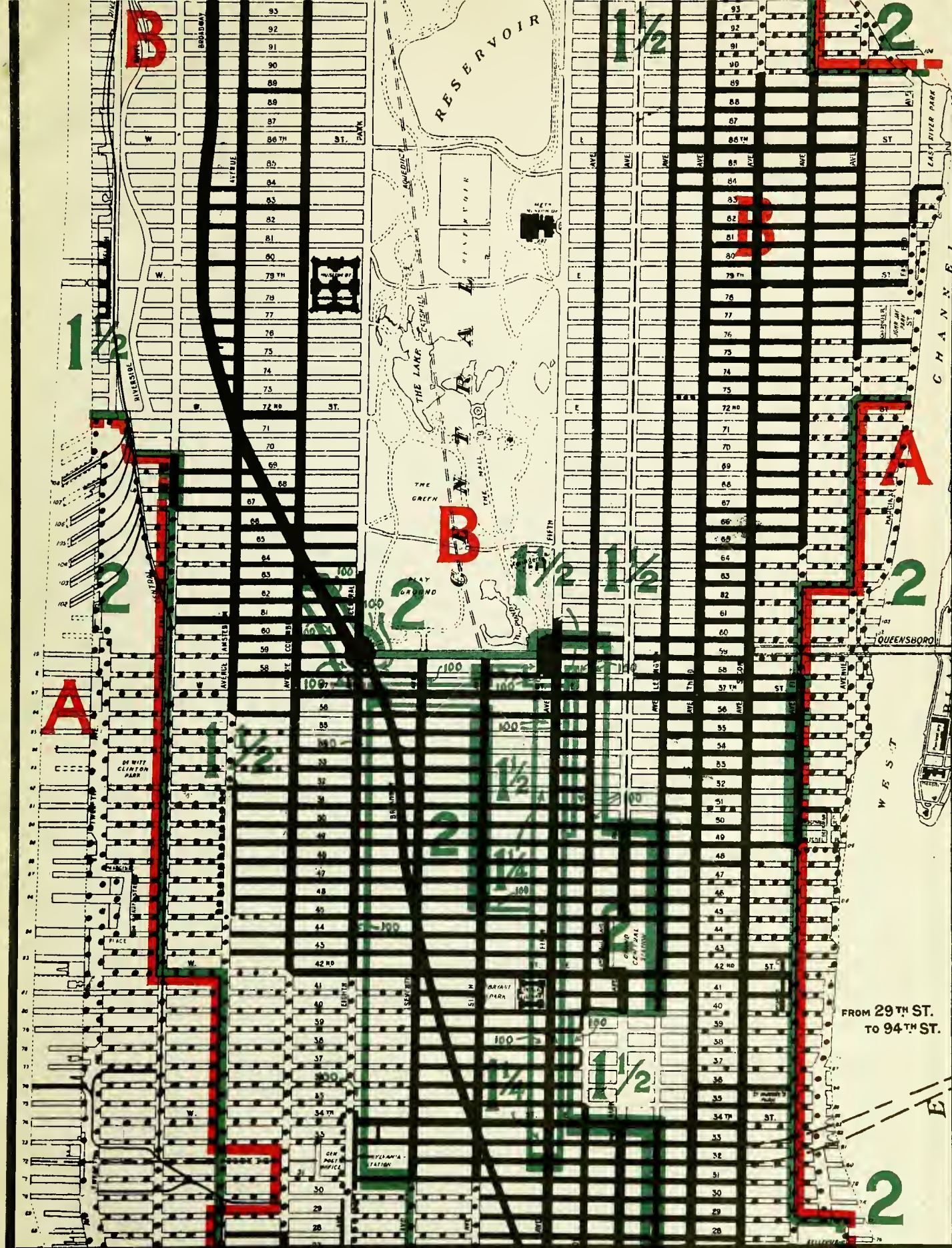
AREA DISTRICTS

Boundary lines shown by red lines. Area Districts are shown by red letters, indicating the percentage of the lot which can be utilized for building purposes.

Business streets (black) which are also boundary lines between Height or Area Districts are indicated, if within the street, by colors on both sides of the street, and if on the side of the street, by color along that side only.

MAP SHOWING
HEIGHTS AND AREA DISTRICTS
OF THE
BOROUGH OF MANHATTAN
FROM BATTERY TO 27TH ST.





RESERVOIR

THE LAKE

THE GREEN

GRAY

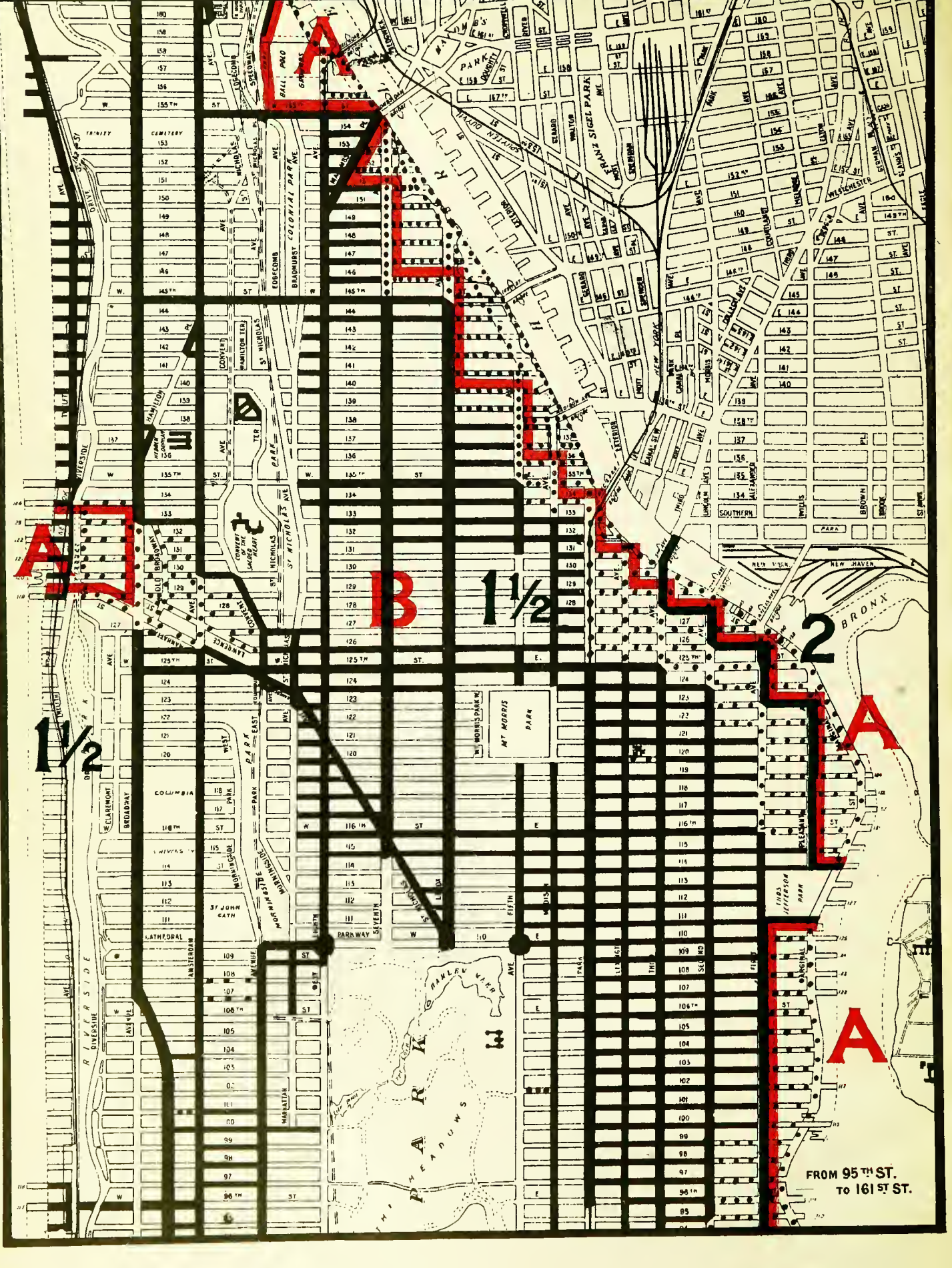
100

100

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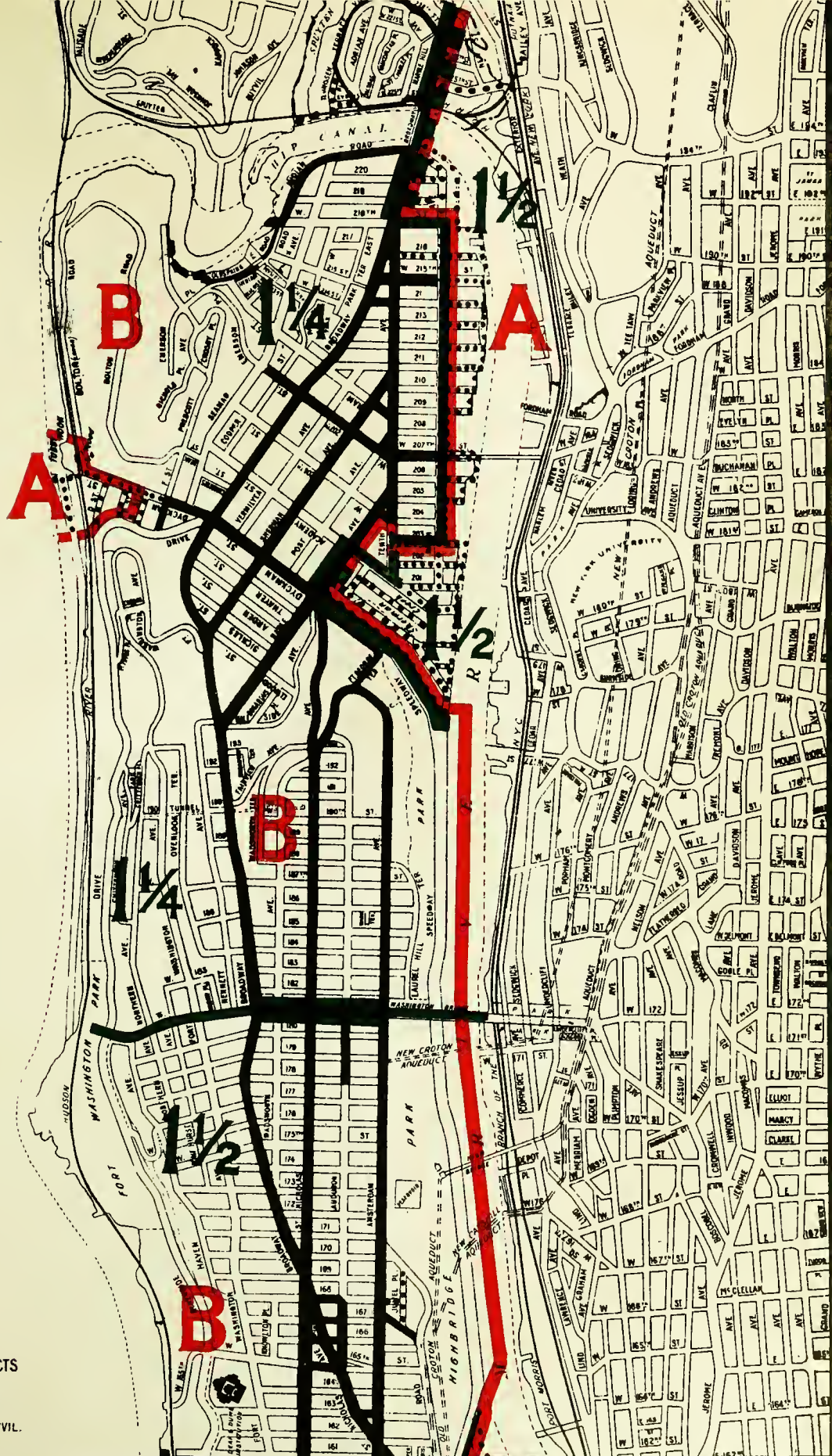
100

FROM 29TH ST.
TO 94TH ST.



FROM 95TH ST.
TO 161ST ST.

MAP SHOWING
 HEIGHTS AND AREA DISTRICTS
 OF THE
 BOROUGH OF MANHATTAN
 FROM 162ND ST. TO SPUYTEN DUYVIL.



THE OHMAN MAP CO.
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258 BROADWAY
NEW YORK

